


भारत का राजपत्र
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असाधारण

EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 7th August, 2015:—

BILL NO. 118 OF 2015

A Bill to provide for the establishment of a University at Maharajganj in the State of Uttar Pradesh for promotion of Homoeopathy and encouraging research in Homoeopathy.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Bhagwan Buddha Central Homoeopathy University Act, 2015.

Short title
and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this act unless the context otherwise requires,—

Definitions.

- (a) "Academic Council" means the Academic Council of the University;
- (b) "Board" means the Board of Management of the University;
- (c) "Chancellor" means the Chancellor of the University;
- (d) "Faculty" means Faculty of the University;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "Registrar" means the Registrar of the University;

(g) "Syllabus Committee" means Syllabus Committee of the University;

(h) "University" means the Bhagwan Buddha Central Homoeopathy University established under this Act; and

(i) "Vice-Chancellor" means the Vice-Chancellor of the University.

Establishment
of the
Bhagwan
Buddha
Central
Homoeopathy
University.

3. (1) There shall be established a University by the name of the Bhagwan Buddha Central Homoeopathy University.

(2) The headquarter of the University shall be at Maharajganj in the State of Uttar Pradesh and it may also establish campuses at such other places within its jurisdiction as it may deem fit.

(3) The University shall be a body corporate having perpetual succession and a common seal and shall sue and be sued by the said name.

Objects of the
University.

4. the Objects of the University shall be—

(a) to impart education in Homoeopathy;

(b) to promote research in Homoeopathy and treat patients; and

(c) to provide maximum benefits of Homoeopathy at national and international educational institutions in collaboration with the Institute of Homoeopathic System of Medicines.

Powers of the
University.

5. (1) The University shall have the following powers, namely:—

(i) to impart education in Homoeopathy;

(ii) to make provisions for conduct of research in Homoeopathy;

(iii) to grant, subject to such conditions as it may determine, diplomas or certificates to, and confer degrees or other academic distinctions on the basis of examination, evaluation or any other method of testing, on persons, and to withdraw any such diplomas, certificates, degrees or other academic distinction for good and sufficient cause;

(iv) to establish and maintain colleges relating to Homoeopathy;

(v) to establish and maintain such campuses, special centres, specialized laboratories, libraries, museums and other units relating to Homoeopathy;

(vi) to create teaching, research and extension education posts and to make appointments thereto;

(vii) to create administrative, ministerial and other posts and to make appointments thereto;

(viii) to institute and award fellowships, scholarships, studentships, medal and prizes;

(ix) to determine criteria of admission to the University which may include examination, evaluation or any other method of testing;

(x) to provide and maintain residential accommodation for students and employees;

(xi) to lay down conditions of service of all categories of employees, including their code of conduct;

(xii) to regulate and enforce discipline among the students and the employees and to take such disciplinary measures in this regard as it may deem necessary;

(xiii) to fix, demand and receive such fees and other charges as may be prescribed;

(xiv) to borrow, with the approval of the Central Government on the security of its property, money for the purposes of the University; and

(xv) to receive benefactions, donations and gifts and to acquire, hold, manage and dispose of any property, movable or immovable including trust and endowment properties for its purposes.

6. (1) The jurisdiction and responsibility of the University with respect to teaching, research and programmes of extension education at the University level, in the field of Homoeopathy, shall extend to the whole of India. Jurisdiction.

(2) The University shall be open to persons of either sex and of whatever caste, creed, race or class, and it shall not be lawful for the University to adopt or impose on any person any test whatsoever of religious belief or profession in order to entitle him to be appointed as a teacher of the University or to hold any other office therein or to be admitted as a student in the University or to graduate thereat or to enjoy or exercise any privilege thereof:

Provided that nothing in this section shall be deemed to prevent the University from making special provisions for the employment or admission of women, persons with disabilities or of persons belonging to the weaker sections of the society and, in particular, the Scheduled Castes, the Scheduled Tribes and the other socially and educationally backward classes of citizens.

7. (1) The President of India shall be the Chancellor of the University.

The
Chancellor.

(2) The Chancellor shall have the right to cause an inspection to be made, by such person or persons as he may direct, of the University, its buildings, laboratories, libraries, museums, workshops and equipments, and of any institution or college and also of the examination, instruction and other work conducted or done by the University, and to cause an inquiry to be made in like manner in respect of any matter connected with the administration and finances of the University.

(3) The Chancellor shall, in every case, give notice to the University of his intention to cause an inspection or inquiry to be made and the University shall, on receipt of such notice, have the right to make, within thirty days from the date of receipt of the notice or such other period as the Chancellor may determine, such representation to him as it may consider necessary.

(4) After considering the representation, if any, made by the University, the Chancellor may cause to be made such inspection or inquiry as is referred to in sub-section (2).

(5) Where an inspection or inquiry has been caused to be made by the Chancellor, the University shall be entitled to appoint a representative who shall have the right to appear in person and to be heard on such inspection or inquiry.

8. The following shall be the officers of the University, namely:—

Officers of
the
University.

(1) the Chancellor;

(2) the Vice-Chancellor;

(3) the Deans;

(4) the Directors;

(5) the Registrar;

(6) the Finance Comptroller;

(7) The University Librarian;

(8) such other officers as may be prescribed by the Statutes.

The Vice-Chancellor.

9. (1) The Vice-Chancellor shall be appointed by the Chancellor in such manner as may be prescribed.

(2) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University.

(3) The Vice-Chancellor, if he is of the opinion that any decision of any authority of the University is beyond the powers of the authority conferred by the provisions of this act or that any decision taken is not in the interest of the University, may ask the authority concerned to review its decision within thirty days of such decision and if the authority refuses to review the decision either in whole or in part or no decision is taken by it within the said period of thirty days, the matter shall be referred to the Chancellor whose decision thereon shall be final.

(4) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be prescribed.

Deans and Directors.

10. Every Dean and every Director shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed.

Registrar.

11. (1) The Registrar shall be appointed in such manner as may be prescribed.

(2) The Registrar shall have the power to enter into agreements, sign documents and authenticate records on behalf of the University and shall exercise such powers and perform such duties as may be prescribed.

The Comptroller of Accounts.

12. The Comptroller of Accounts shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the statutes.

Other officers.

13. The manner of appointment and powers and duties of other officers of the University shall be such as may be prescribed.

Authorities of the University.

14. The following shall be the authorities of the University, namely:—

(1) the Board of Management;

(2) the Academic Council;

(3) the Research Council;

(4) the Extensive Education Council;

(5) the Finance Committee;

(6) the Faculties and Board of Studies; and

(7) such other authorities as may be prescribed by the Statutes.

Application of the Central Universities Act, 2009.

15. The provisions of the Central Universities Act, 2009 shall, with such exceptions, adoptions and modifications, as may be considered necessary, apply to the Bhagwan Buddha Central Homoeopathy University Act, 2015.

Power to remove difficulties.

16. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulties:

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

17. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to
make rules.

(2) Every rule made under this act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Homeopathy is an important medical system that has no side effects. In India, Homoeopathic medicines are used by a large number of persons to treat their ailments. Homoeopathic medicines are not only effective in curing ailments but are also cheap and affordable. However, the system has not been given due importance in order to make it more popular. The Bill seeks to establish a University to be known as the Bhagwan Buddha Central Homoeopathic University at Maharajganj in the State of Uttar Pradesh for development of Homoeopathy and promotion of research in the field of Homoeopathy.

Hence this Bill.

NEW DELHI;
February 18, 2015.

PANKAJ CHAUDHARY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the Bhagwan Buddha Central Homoeopathy University in the State of Uttar Pradesh with headquarter at Maharajganj. Clause 8 provides for appointment of officers of the University. Clause 14 provides for certain authorities of the University. The Bill, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of rupees one hundred crore would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 97 OF 2015

A Bill to provide for the eradication of unemployment amongst youth belonging to the Scheduled Castes and the Scheduled Tribes by ensuring right to gainful employment and payment of unemployment allowance to the unemployed amongst them and for matters connected therewith.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Eradication of Unemployment amongst the Youth Belonging to the Scheduled Castes and the Scheduled Tribes Act, 2015.

Short title and
extent.

(2) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) “Fund” means the National Scheduled Castes and Scheduled Tribes Youth Employment Assistance Fund constituted under section 7;

(c) “prescribed” means prescribed by rules made under this Act; and

(d) “unemployed youth” means a person above the age of eighteen years belonging to the Scheduled Caste or the Scheduled Tribe not engaged in any gainful employment.

Right to gainful employment.

3. Notwithstanding anything contained in any other law for the time being in force, every unemployed youth shall have the right to gainful employment.

Appropriate Government to provide employment to every unemployed youth.

4. (1) The appropriate Government shall provide gainful employment to every unemployed youth according to his age, educational qualifications and physical capabilities.

(2) Where an unemployed youth is not provided with employment or self-employment opportunities under any scheme by the Government, he shall be given such monthly unemployment allowance, being not less than rupees two thousand per month, in such manner as may be prescribed, till the time he is provided with gainful employment:

Provided that the unemployment allowance shall not be paid to the unemployed youth, if—

(i) his income from any source is equal to the amount of unemployment allowance fixed under this Act; and

(ii) he is provided unemployment allowance under any scheme by the State Government or Union territory Administration, as the case may be:

Provided further that if the income from any source of the unemployed youth is less than the amount of unemployment allowance, the difference between his amount of income and the amount of unemployment allowance may be provided to him.

Filling up of vacant posts.

5. The appropriate Government shall take immediate steps to fill up vacant posts reserved for the candidates belonging to the Scheduled Castes and the Scheduled Tribes in the Government establishments, Public Sector Undertakings and other such Organisations in a time-bound manner.

Generation of employment opportunities.

6. The appropriate Government shall take steps to generate employment opportunities in public and private sector enterprises or undertakings, small scale industries, cottage and village industries, khadi and weaving industries, agriculture and food processing industries, information technology industries and other self-employment opportunities.

National Scheduled Castes and Scheduled Tribes Youth Employment Assistance Fund.

7. (1) The Central Government shall, as soon as may be, by notification in the Official Gazette, constitute a National Scheduled Castes and the Scheduled Tribes Youth Employment Assistance Fund with an initial corpus of rupees fifty thousand crore and thereafter shall contribute to the Fund from time to time alongwith the State Governments in such ratio as may be prescribed.

(2) Such other sums as may be received from individuals, corporate sector, financial institutions and firms by way of donation or otherwise shall also be credited to the Fund.

(3) The Fund shall be utilized for payment of unemployment allowance to the unemployed youth.

Act to have over-riding effect.

8. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act not in derogation of any other law.

9. The provisions of this Act shall be in addition to and not in derogation of any other law, for the time being in force.

10. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Our country is the second most populous country in the world. The population explosion has given rise to unprecedented unemployment problem in the country. According to an estimate, there are more than five crore unemployed youth registered in the employment exchanges of the country, while the number of unregistered unemployed youths is more than the registered ones. Such youth are mostly in remote, rural and semi-urban areas and their number is increasing by the day. The situation of unemployment in the country is so grim that even highly qualified youth have failed to get employment. Millions who graduate every year, especially the youth belonging to the Scheduled Castes and the Scheduled Tribes are unemployed inspite of getting reservation benefits. Even after sixty-seven years of independence, millions of youths belonging to the Scheduled Castes and the Scheduled Tribes are unemployed due to ineffective recruitment policy. This is leading to frustration amongst the Scheduled Castes and Scheduled Tribes youth and they are being easily lured away by anti-social and anti-national forces to further their nefarious and destructive activities in various parts of the country. In fact, many of them get involved in criminal activities and spoil their lives. Unemployment is also the reason for brain-drain and exodus of substantial number of skilled and unskilled youth, doctors, engineers and scientists from the country. At the same time opportunities of employment are shrinking and the Central Government is also partially responsible for this. For instance, the ministries or departments of the Central Government have to surrender ten per cent. of the total vacancies arising due to superannuation of employees every year. Further, if any post remains vacant for over a year, it automatically lapses.

The Agricultural sector has remained the largest employer in our country but due to vagaries of nature and non-remunerative pricing policy, employment in this sector has become less attractive. Same is the situation in the sector of small scale and village industries. Modernisation and use of new technologies in industries is also reducing employment opportunities.

Our Constitution confers on every citizen the right to life but this right remains only on paper in the absence of decent and meaningful source of living. The Supreme Court has also stressed the need for necessary means and employment to enjoy the right to life enshrined in the Constitution. India is a welfare State and as such the onus is on the State to ensure the welfare of the Scheduled Caste and the Scheduled Tribe youth by providing gainful employment opportunities to them. If the State fails to provide them gainful employment then they should be paid unemployment allowance on a monthly basis. This is the need of the hour which will go a long way in ensuring a dignified life to the youth belonging to the Scheduled Castes and the Scheduled Tribes.

Hence this Bill.

NEW DELHI;
March 3, 2015.

KIRIT PREMJBHAI SOLANKI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that every unemployed youth shall have the right to gainful employment. Clause 4 provides that the appropriate Government shall provide gainful employment to every unemployed youth belonging to the Scheduled Castes and the Scheduled Tribes according to one's age, qualification and capability. It also provides for unemployment allowance to every unemployed youth till they are provided with gainful employment. Clause 7 of the Bill provides for the constitution of the National Scheduled Caste and Scheduled Tribe Youth Employment Assistance Fund with an initial corpus of rupees fifty thousand crore to be provided by the Central Government.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. At this stage, it is difficult to give an exact estimate of the expenditure likely to be involved. However, it is estimated that an annual recurring expenditure of about rupees sixty thousand crore is likely to be involved from the Consolidated Fund of India, in addition to the rupees fifty thousand crore as initial corpus.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purpose of the Bill. The rules will relate to matters of detail only.

The delegation of legislative power is, therefore, of a normal character.

BILL NO. 133 OF 2015

A Bill to provide for framing of a comprehensive education policy and for matters connected therewith.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title
and
commencement.

1. (1) This Act may be called the Education Act, 2015.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government; and

(b) “prescribed” means prescribed by rules made under this Act.

3. (1) The Central Government shall, by notification in the Official Gazette, constitute a Committee for framing of a comprehensive education policy.

Constitution of a Committee to formulate a comprehensive education policy.

(2) The Committee shall consist of a Chairperson and four members to be appointed by the Central Government in such manner as may be prescribed.

(3) The salary and allowances payable to, and other terms and conditions of service of the Chairperson and members of the Committee shall be such as may be prescribed.

4. The Committee shall, while framing education policy, take into account—

Functions of the Committee.

(i) number of schools required;

(ii) admission policy in schools;

(iii) curriculum and syllabus;

(iv) fees to be charged by schools;

(v) basic infrastructure required in schools;

(vi) teacher-student ratio in the schools;

(vii) review the progress of the implementation of the education policy from time to time; and

(viii) such other matters as may be notified by the Central Government in this regard.

5. It shall be the duty of the appropriate Government to implement the education policy formulated under this Act.

Implementation of education policy by the appropriate Government.

6. (1) The Committee shall prepare in such form and at such time, as may be prescribed, for each financial year, an annual report giving a full account of its activities during the previous financial year and forward of copy thereof to the Central Government.

Annual Report.

(2) The Central Government shall cause the report referred to in sub-section (1) to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for non-acceptance, if any, of any of such recommendations.

(3) Where any such report or any part thereof relates to any matter with which any State Government is concerned, the Committee shall forward a copy of such report or part thereof to the State Government concerned, which shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for non-acceptance, if any, of any of such recommendations.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the State Governments for effective implementation of the provisions of this Act.

Central Government to provide adequate Funds.

8. (1) The Central Government may by notification in the official Gazette make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The Education Policy requires a complete revamp as it was drafted long ago. It should cater to the current day requirements without compromising our culture, tradition, language and aesthetic values. Therefore, it is proposed that an education policy be framed for imparting education in the country keeping in view the course, admission policy, fee, basic infrastructure and teacher-student ratio in the schools in the country.

Hence this Bill.

NEW DELHI;
April 8, 2015.

SHIVAJI ADHALRAO PATIL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a Committee for framing a comprehensive education policy. Clause 7 provides that the Central Government shall provide adequate funds to the State Governments to carry out the purposes of the Act. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. At this stage, it is not possible to give an exact estimate of expenditure to be incurred. However, it is estimated that annual recurring expenditure of about rupees ten thousand crore would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

BILL NO. 124 OF 2015

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2015.

Short title and
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. After article 15 of the Constitution, the following article shall be inserted, namely:—

Insertion of
new article
15A.

“15A. Nothing in this Constitution shall prevent the State from making any special provision for differently abled persons.”.

Special
provision for
differently
abled persons.

STATEMENT OF OBJECTS AND REASONS

Differently abled persons suffer discrimination in all spheres. There is no benefit or any scheme for their betterment. There is no provision of free treatment in hospitals for them.

Therefore, it is proposed to amend the Constitution with a view to enable the State to make special provisions for differently abled persons.

NEW DELHI;
April 8, 2015.

SHIVAJI ADHALRAO PATIL

BILL NO. 139 OF 2015

A Bill further to amend the Railways Act, 1989.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Railways (Amendment) Act, 2015.

Short title.

24 of 1989.

2. In the Railways Act, 1989, after Chapter XIII, the following Chapter and section thereunder shall be inserted, namely:—

Insertion of new Chapter XIII A.

"CHAPTER XIII A

RESPONSIBILITY OF RAILWAY ADMINISTRATION TO INSURE LIFE AND GOODS OF PASSENGERS

129A. (1) Notwithstanding anything contained in this Act, the railway administration shall enter into contract with any of the nationalised insurance companies for insurance of the life of the passengers and goods carried by them.

Insurance of life and goods of passengers travelling in train.

(2) For the purpose of sub-section (1), the railway administration shall in consultation with the insurance companies determine, according to class by which a passenger travels in consultation with the insurance companies, the rate of premium to be paid by every passenger.

(3) The insurance amount payable to a passenger shall be in addition to any other payment including the amount of compensation payable under the other provisions of this Act."

STATEMENT OF OBJECTS AND REASONS

At present there is no insurance scheme for passengers in rail journey. If any passenger dies or is injured during train journey, compensation at present is given under award given by Railway Claims Tribunal. Railway Claims Tribunal takes a long time to give awards which is against the interests of the victims and his dependants. Therefore, there is a need for framing an insurance scheme for passengers during train journeys.

Hence this Bill.

NEW DELHI;
April 8, 2015.

SHIVAJI ADHALRAO PATIL

BILL NO. 184 OF 2015

A Bill to provide for special financial assistance to the State of Andhra Pradesh for the purposes of promoting the welfare of persons belonging to the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes of people, agricultural labourers and unemployed citizens, development of infrastructure in the State, development of backward districts, exploitation and proper utilization of its resources and for matters connected therewith.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Special Financial Assistance to the State of Andhra Pradesh Act, 2015.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title
and
commencement.

Special
financial
assistance to
the State of
Andhra
Pradesh.

2. There shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation by law provide, as special financial assistance to the State of Andhra Pradesh to meet the costs of such schemes of development, as may be undertaken by the State with the approval of the Union Government, for the purposes of—

(i) promoting the welfare of the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes of people;

(ii) implementing welfare schemes aimed at improving the conditions of agricultural labourers;

(iii) allocation of adequate funds for specific development projects;

(iv) development of necessary infrastructure; and

(v) development, exploitation and proper utilization of the resources in the State.

Act not in
derogation of
any other law.

3. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

STATEMENT OF OBJECTS AND REASONS

The State of Andhra Pradesh is socially and economically backward. Problem of poverty, unemployment and illiteracy are required to be addressed immediately. Besides measures for proper utilization of resources, welfare of weaker sections and new development schemes are required to be undertaken in a time bound manner to solve the problem of backwardness in the State.

In the year 2014, Andhra Pradesh was bifurcated and a separate State, namely, Telangana has been created. Most of the developed regions including post bifurcated State capital Hyderabad now forms part of Telangana. Now, after bifurcation, a new capital has to be developed including development of necessary infrastructure in the State of Andhra Pradesh in a time-bound manner.

It is, therefore, necessary that the Central Government should provide special financial assistance to the State of Andhra Pradesh for its all round development including welfare of weaker sections and for the development and exploitation of its vast natural resources. Such a step of providing financial assistance to the State of Andhra Pradesh would go a long way in building this nation more and more strong.

Hence this Bill.

NEW DELHI;
June 30, 2015.

P. RAVINDRA BABU

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that there shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation by law provide, as special financial assistance to the State of Andhra Pradesh to meet the costs of such schemes of development, as may be undertaken by the State with the approval of the Union Government.

The Bill, therefore, on enactment, will involve expenditure out of the Consolidated Fund of India for providing special financial assistance to the State of Andhra Pradesh. As the sums of moneys which will be given to the State of Andhra Pradesh as special financial assistance by appropriation by law made by Parliament will be known only after the welfare schemes to be implemented by the State Government with the approval of the Central Government are identified, it is not possible at present to give the estimates of recurring expenditure, which would be involved out of the Consolidated Fund of India at this stage.

No non-recurring expenditure is likely to be incurred from the Consolidated Fund of India.

BILL NO. 157 OF 2015

A Bill to amend the Religious Institutions (Prevention of Misuse) Act, 1988.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Religious Institutions (Prevention of Misuse) Amendment Act, 2015.

(2) It shall come into force on such date as Central Government may, by notification in the Official Gazette, appoint.

41 of 1988

- 2.** In section 2 of the Religious Institutions (Prevention of Misuse) Act, 1988 (hereinafter referred to as the principal Act), after clause (f), the following clause shall be inserted, namely:—
- “(g) ‘spiritual leader’ means a person, who preaches, promotes or propagates any religion, faith or belief or chants the prayers or performs religious duties or ceremonies at religious place.”.
- 3.** In section 3 of the principal Act, after the word “manager” the words, “manager or spiritual leader” shall be substituted.
- 4.** After section 3 of the principal Act, the following section shall be inserted, namely:—
- “3A. No religious institution or manager or spiritual leader thereof shall issue any direction or appeal to any person or group of persons to vote or refrain from voting in any election in favour of any political party or any individual contesting that election.”
- 5.** For section 7 of the principal Act, the following section shall be substituted, namely:—
- “7. Where any religious institution or manager or spiritual leader thereof contravenes the provisions of section 3, section 3A, section 4, section 5 or section 6, the manager, the spiritual leader and every person connected with such contravention shall be punishable with imprisonment for a term which may extend to seven years and with fine, which shall not be less than rupees one lakh but may extend upto ten lakh rupees.”
- 6.** In section 8 of the principal Act, in sub-section (1), (2) and (3), for the word “manager”, wherever it occurs, the word, “manager or spiritual leader” shall be substituted.
- “(2A) When any spiritual leader of a religious institution is accused of an offence under this Act and a charge-sheet for prosecution of such person is filed in any court and the court is of the opinion, after considering the charge-sheet and after hearing the prosecution and the accused, that a *prima facie* case exists, it shall pass an order or direction restraining such person from any function of such religious institution in all respect, pending trial.”.

Amendment
of section 2.Amendment
of section 3.Insertion of
new section
3A.Substitution of
new section
for section 7.

Penalties.

Amendment
of section 8.

STATEMENT OF OBJECTS AND REASONS

It is proposed to amend the Religious Institutions (Prevention of Misuse) Act, 1988 with a view to restraining such institutions to act at the behest of political parties; preventing criminalization of religious institutions and preventing religious institutions to affect the mandate in elections particularly by issuing directions to its followers to cast or not to cast vote in favour of a particular political party or person. It is also proposed to enhance the punishment for ensuring that the religious institutions do not indulge into criminal or political activities.

Hence this Bill.

NEW DELHI;
April 16, 2015.

DUSHYANT CHAUTALA

BILL NO. 158 OF 2015

A Bill further to amend the Contempt of Courts Act, 1971.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called Contempt of Courts (Amendment) Act, 2015.

(2) It shall come into force on such date as Central Government may, by notification in the Official Gazette, appoint.

Short title
and com-
mencement.

Amendment
of section 2.

2. In section 2 of the Contempt of Courts Act, 1971 (hereinafter referred to as the principal Act), in clause (c), in sub-clause (i), for the words “scandalises or tends to scandalise”, the words “scandalises or tends to scandalise to the extent that it undermine or tends to undermine the administration of justice or public confidence therein” shall be substituted.

7 of 1971

Amendment
of section 13.

3. In section 13 of the principal Act, for clause (a), the following clause shall be substituted, namely:—

“(a) no court shall impose a sentence under this Act for a contempt of court unless it is satisfied that there is a *mala fide* intention and a real, clear and imminent danger to discredit the administration of justice or the contempt is of such a nature that it substantially interferes, or tends substantially to interfere with the due course of justice.”.

STATEMENT OF OBJECTS AND REASONS

Right to Freedom of speech and expression is one of the most important fundamental rights of the citizens which is essential for any vibrant democracy. The founding fathers of Indian Constitution undoubtedly considered free speech as one of the most basic rights, essential for safeguarding and promoting other human rights. While providing for Right to free speech under article 19(1) (a) of the Constitution, certain reasonable restrictions have been laid down under article 19(2). Article 19(2) of the Constitution includes “contempt of courts” as one of the limitations on free speech. This provision has been provided to ensure that citizens do not lose their faith in the judiciary if disrespectful or critical statements are made about the courts.

The pending cases pertaining to contempt in the apex court accounts for 15.8 *per cent.* with conviction rate over 58.8 *per cent.* of the cases in this category. Several democratic countries including the United States of America, have narrowly circumscribed the doctrine of contempt. However, in India a rather broad use of contempt has been permitted leading to curbing of the right to free speech and expression provided in the Constitution.

In section 2(c) of the Contempt of Courts Act, the phrase “scandalizes or tends to scandalize” is neither defined nor any guidelines have been laid down for its interpretation. This phrase is so wide and vague that there is high probability of its misuse leading to chilling effects on the citizens’ right of free speech and expression while criticising the verdict of any Court. The Supreme Court has observed “a penal law is void for vagueness if it fails to define the criminal offence with sufficient definiteness. Ordinary people should be able to understand what conduct is prohibited and what is permitted”.

In case of *Kartar Singh V. State of Punjab*, (1994) 3 SCC 569, it was held “vague laws offend several important values. It is insisted or emphasized that laws should give the person of ordinary intelligence a reasonable opportunity to know what is prohibited, so that he may act accordingly. Vague laws may trap the innocent by not providing fair warning.”. Hence, it is pertinent to define the term clearly to make a distinction from the other phrases used in the definition section of the Act.

Every citizen should have right to criticise in good faith, even the acts of the Court. As long as citizens exercise right of free speech which criticise acts of Courts without any *mala fide* intention to impair the administration of justice, they should not be held in contempt. Moreover, public interest can be maintained by ensuring fair trial and reposing faith in the judiciary while balancing the freedom of speech appropriately. Thus, it is necessary to remove the scope of any vagueness from the expression “criminal contempt” as defined in the Contempt of Courts Act, 1971.

Hence this Bill.

NEW DELHI;
April 9, 2015.

JAGDAMBIKA PAL

BILL NO. 159 OF 2015

A Bill further to amend the Indian Penal Code, 1860.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 2015.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Substitution of
new sections
for section
304A.

2. In the Indian Penal Code, 1860, for section 304A, the following sections shall be substituted, namely:—

Causing death
by rash act.

"304A. Whoever causes the death of any person by doing any rash act not amounting to culpable homicide, shall be punished with imprisonment for a term which may extend to five years, or with fine, or with both.

Causing death
by negligent
act.

304AA. Whoever causes the death of any person by doing any negligent act not amounting to culpable homicide, shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both."

STATEMENT OF OBJECTS AND REASONS

Section 304A of the Indian Penal Code, 1860 was inserted to cover the cases where there is no intention to cause death and also where the accused has no knowledge that act done by him would probably cause death. The Hon'ble Supreme Court in its judgment in the case of *Kurban Hussain Mohammadeli Bangwala v. State of Maharashtra* 1965 (2) SCR 622, has stated that section 304A of the Indian Penal Code, 1860 is applicable only where the death has a direct nexus to the rash and negligent act of the accused. It is noteworthy to mention that the section uses the word "or" between the words "rash" and "negligent" as against the use of word "and" as suggested in the Draft Penal Code. Thus, either of the two acts *i.e.* "rashness" or "negligence" needs to be satisfied in order to convict an accused under section 304A. Therefore, a distinction needs to be made between the punishment for rash act and for negligent act.

A rash act is primarily an over hasty act, as opposed to a deliberate act. It refers to doing an act with risk of certain unwanted harmful consequences but with the hope that they will not happen. On the other hand, negligence is breach of duty imposed by law. Criminal negligence is gross and culpable but an inadvertent action as compared to the former category. Rash acts are not completely unpremeditated like the acts committed under negligence. Therefore, a distinction between the two acts requires distinct punishment as well.

Hence this Bill.

NEW DELHI;
April 9, 2015.

JAGDAMBIKA PAL

BILL NO. 162 OF 2015

A Bill to prohibit the manufacture, promotion and sale of gutka and pan masala.

WHEREAS, the 43rd World Health Assembly in its Fourteenth Plenary meeting held on the 17th May, 1990, reiterated the concerns expressed in the Resolution passed in the 39th World Health Assembly (WHO) and urged Member States to consider in their tobacco control strategies plans for legislation and other effective measures for protecting their citizens with special attention to risk groups such as pregnant women and children from involuntary exposure to tobacco smoke, discourage the use of tobacco and impose progressive restrictions and take concerted action to eventually eliminate all direct and indirect advertising, promotion and sponsorship concerning tobacco;

AND WHEREAS, it is considered expedient to enact a law to prohibit the manufacture, promotion and sale of tobacco products in the public interest and to protect the public health;

AND WHEREAS, section 2 of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (34 of 2003) contains a declaration as to expediency of control by the Union of the Tobacco industry.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows :—

1. (1) This Act may be called the Gutka and Pan Masala (Prohibition) Act, 2015.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "gutka" means combination of tobacco containing arecanut, synthetic *katha*, lead, arsenic, magnesium carbonate and any other substance causing injury to health on consumption; and

(b) "pan masala" means and includes,—

(i) *Khaini*, *Jarda* or any preparation containing betel nuts, lime, *katha* (catechu) and tobacco whether or not containing other ingredients such as cardamom, copra or menthol; and

(ii) any flavouring material containing tobacco, chemical ingredients or carcinogenic elements which are hazardous to human consumption.

3. Notwithstanding anything contained in other law for the time being in force, manufacturing, promotion or selling of *pan masala* and *gutka* is hereby prohibited.

Prohibition on
manufacture,
promotion or
sale of *pan
masala* and
gutka.

4. Any person who contravenes the provisions of section 3 shall be punished with imprisonment for a term which may extend to ten years or with a fine which may extend to rupees five lakhs or with both.

Punishment.

5. No court inferior to that of a Chief Metropolitan Magistrate or Chief Judicial Magistrate, as the case may be, shall try any offence punishable under this Act.

Court
empowered to
try offences.

6. An Offence punishable under this Act shall be cognizable.

Offences to be
cognizable.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make
rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

A large number of children, youngsters and adults are getting habituated towards the use of *pan masala* and *gutka* which is proving to be very hazardous to their health. The number of *pan masala* and *gutka* users is increasing day-by-day. This naturally causes damage to their health and threatens their very existence.

Pan masala and *gutka* can cause cancer too. The warning on the packing of these products to the effect that "chewing of *gutka* and *pan masala* is injurious to health" is an ample proof in this regard. In fact, recent studies by the Tata Institute for Fundamental Research, Mumbai and Rajiv Gandhi Cancer Institute, Delhi and Gujarat Cancer Research Society, Ahmedabad have proved the deadly effects of using *pan masala* and *gutka*. That this habit is spreading at a very fast rate is proved by the rapid increase in the turnover of these products. The Government has admitted that the *pan masala* and *gutka* industry has grown from an estimated rupees 200 crore in 1992 to rupees 1000 crore in 1997.

The State Governments of Goa, Maharashtra and Andhra Pradesh have expressed serious concern over the increasing use of *gutka* and *pan masala*. An expert Technical Committee on use of tobacco in *pan masala* and *gutka*, which was constituted on 17.8.1994 under the Chairmanship of the Director-General of Health Service had recommended that the use of chewing tobacco in *pan masala/gutka* should be prohibited as its consumption was injurious to health. The recommendations were also endorsed by the Central Committee for Food Standards, a statutory advisory Committee under the Prevention of Food Adulteration Act, 1954, charged with the responsibility to advise Central/State Governments on matters concerning food safety and quality control.

However, the use of *pan masala* and *gutka* continues unabated causing serious damage to the health of children, youngsters, the aged persons and even women.

The Bill seeks to prohibit the manufacture, promotion and sale of *pan masala* and *gutka*.

NEW DELHI;
May 7, 2015.

GOPALCHINAYYA SHETTY

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 163 OF 2015

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2015.

Short title.

2. After article 16 of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 16A.

"16A. Every citizen, who has attained the age of eighteen years, shall have the right to employment:

Right to employment.

Provided that any such citizen, who is not provided with employment, shall be entitled to unemployment allowance at such rate as Parliament may, by law, determine."

STATEMENT OF OBJECTS AND REASONS

Even after sixty-seven years of independence, twenty-seven per cent. of India's population is living below poverty line and a large section of people die of starvation every year. Although poverty has been checked to a large extent, yet a large section of our society is unemployed and they have no source of income. In the absence of adequate employment opportunities, youth take to other courses to sustain themselves by joining extremist, terrorist and criminal activities and also indulge in other anti-social activities such as kidnapping, robbery, hijacking, etc., which is not good for unity and integrity of the nation. Therefore, time has come to amend the Constitution to make right to employment a fundamental right, so that the young generation do not indulge in anti-national activities. Besides, making right to employment a fundamental right of the citizens, the Bill also provides for payment of unemployment allowance to all unemployed citizens till they are provided with employment. This will help young generation financially, discourage them from indulging in anti-national activities and engage them in nation building activities.

Hence this Bill.

NEW DELHI;
May 7, 2015.

GOPAL CHINAYYA SHETTY

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for making right to employment a fundamental right of the citizens. It further provides that every such citizen who is not provided with employment shall be entitled to get unemployment allowance at such date as Parliament may, by law, determine. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees five thousand crore is likely to be involved initially.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

BILL NO. 164 OF 2015

A Bill to provide for the regularization of unauthorised colonies existing for two or more than two years and to provide basic amenities like drinking water, sanitation, healthcare, electricity, toilets, sewerage and management of garbage in such unauthorised colonies, slums and jhuggi-jhopri clusters and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Unauthorised Colonies, Slums and Jhuggi-Jhopri Clusters (Basic Amenities and Other Provisions) Act, 2015.

Short title,
extent and
commencement.

(2) It extends to Union territories only.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "basic amenities" include provision of drinking water, electricity, street lighting, sewerage, toilets, drainage system, garbage disposal, sanitation, healthcare facilities, educational facilities, recreational facilities, marketing facilities, transportation facilities and access to public distribution system;

(b) "competent authority" means such officer or authority as the Central Government may, by notification in the Official Gazette, appoint as the competent authority for the purposes of this Act;

(c) "jhuggi-jhopri cluster" means an area consisting of jhuggi-jhopri clusters, generally built with bricks and mud, metal or wood having thatched or tin sheet or polythene roof covering;

(d) "prescribed" means prescribed by rules made under this Act;

(e) "slum" includes an area consisting of unplanned and shabbily built and over crowded houses in unhygienic atmosphere without civic amenities and such other areas as may be declared so by the competent authority; and

(f) "unauthorised colony" means a colony not approved by the competent authority having jurisdiction and is in existence for two or more years.

National
Policy for
Unauthorised
Colonies,
Slums and
Jhuggi-Jhopri
Clusters.

3. Notwithstanding anything contained in any other law for the time being in force, the Central Government shall, as soon as may be, formulate a policy for unauthorised colonies, which shall provide, *inter alia*, for the following, namely :—

(a) regularization of all unauthorised colonies;

(b) improvement or removal of slums and jhuggi-jhopri clusters;

(c) alternative accommodation to the dwellers of slums and jhuggi-jhopri clusters;

(d) construction and allotment of dwelling units with all basic amenities to dwellers of the slums and jhuggi-jhopri clusters;

(e) provision of basic civic amenities such as potable water supply, electricity for domestic use, metallic roads, street lighting, sewerage, toilets including community toilets and proper drainage, sanitation and garbage disposal system in slums and jhuggi-jhopri cluster areas;

(f) healthcare facilities through Health Centres, dispensaries, pathological labs and mobile clinics for the inhabitants, including distribution of medicines, mosquito nets and repellants and fumigate free of cost from time to time and in particular during rainy season to protect the inhabitants from vector-borne diseases like malaria, dengue, chikungunya, encephalitis or filariasis;

(g) educational facilities, playgrounds and recreational facilities for children;

(h) shopping facilities for daily household needs including vegetables and fruits;

(i) accessibility to public distribution system and providing fuel for domestic consumption such as kerosene, LPG or pipeline gas connections;

(j) financial assistance or training to inhabitants of slum and jhuggi-jhopri clusters to enable them to become self-employed; and

(k) transportation facilities.

Regularisation
of
unauthorised
colonies and
provisions of
basic
amenities.

4. The Central Government shall, within one year from the date of the commencement of this Act, by notification in Official Gazette, implement the policy formulated under section 3, in respect of the following matters, namely:—

(a) regularisation of all unauthorised colonies; and

(b) provision of all basic amenities in the regularised colonies.

5. For the purpose of effective implementation of this Act, the Central Government shall, through the competent authority,—

(i) carry out the works of improvement in slums and jhuggi-jhopri clusters from time to time in such manner as may be prescribed;

(ii) provide all basic amenities in slums and jhuggi-jhopri clusters in such manner as may be prescribed;

(iii) extend financial assistance or vocational training to the inhabitants of slums and jhuggi-jhopri clusters for their self-employment; and

(iv) construct and allot dwelling units to the inhabitants of slums and jhuggi-jhopri clusters where such areas have been declared as slum clearance areas.

Central Government to provide basic amenities to inhabitants of slums and construct new dwelling unit through competent authority.

6. (1) Where the competent authority is satisfied that most satisfactory method of dealing with conditions in a slum area is the demolition of all the buildings in the area, the authority shall by an order notified in the Official Gazette declare the area to be a clearance area, that is to say, an area to be cleared of all buildings in accordance with provisions of this Act and the rules made thereunder.

Competent authority to declare any slum area to be a clearance area.

(2) The competent authority shall give adequate notice to the inhabitants of slums and jhuggi-jhopri clusters before demolition of houses, shelters or buildings.

(3) The competent authority shall not remove or demolish any jhuggi-jhopri clusters till all residents of the area have been evacuated and allotted alternative dwelling units with all basic amenities at convenient locations.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds every year for carrying out the purposes of this Act.

Central Government to make provision of funds.

8. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing of the difficulty:

Power to remove difficulties.

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

9. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for time being in force.

Act to have overriding effect.

10. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matter dealt with in this Act.

Act not to be in derogation of other laws.

11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Our country is very vast and is the second most populous country after China. Seventy per cent. of our population lives in villages and poverty is rampant in rural India. Driven by poverty and to earn their livelihood or fulfil their dreams, people migrate to urban areas especially to the metropolitan cities. Millions of such migrant people and also some local population settle down in slums, jhuggi-jhopri clusters and unauthorised colonies and even on footpaths or pavements under the open sky in most inhuman conditions without basic civic amenities like potable water, electricity, toilets, sanitations, sewerage, healthcare, education etc. Such slums, jhuggi-jhopri clusters and unauthorised colonies exist in various parts of urban areas and metropolitan cities including the national capital city of Delhi. In Delhi regularisation of unauthorised colonies has always been a burning problem for successive Central Government. The number of slums, jhuggi-jhopri clusters and unauthorised colonies is increasing and millions of people continue to languish in stinking and inhuman conditions and thus fall victims to various fatal diseases. These slums, jhuggi-jhopri clusters and unauthorised colonies have also gained notoriety for other reasons but majority of people living there are law abiding citizens. Despite all this, we do not have a policy to address the problems of slums, jhuggi-jhopri clusters and unauthorised colonies.

Being a welfare State, the Central Government and the State Governments are duty bound to initiate welfare measures for the residents of slums, jhuggi-jhopri clusters and unauthorised colonies by providing them basic civic amenities. It has been observed that such areas are also neglected by local authorities which are responsible for providing civic amenities citing various technical and legal reasons. The Central Government should come forward and bear all the expenses in implementing the provisions of this Bill.

Hence this Bill.

NEW DELHI;
May 7, 2015.

GOPAL CHINAYYA SHETTY

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for regularisation of unauthorised colonies and provisions of basic amenities in unauthorised colonies. Clause 5 provides for basic amenities, improvement in slums and jhuggi-jhopri clusters, financial assistance to inhabitants for self-employment and construction of new dwelling units for inhabitants of slums and jhuggi-jhopri clusters through the competent authority. Clause 7 provides that the Central Government shall provide adequate funds for carrying out the purposes of the Bill. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees twenty-five thousand crore per annum.

A non-recurring expenditure of about rupees fifty thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 165 OF 2015

A Bill further to amend the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title
and
commence-
ment.

1. (1) This Act may be called the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 2015.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

1 of 1996.

2. After section 43 of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, the following section shall be inserted, namely:—

"43A. (1) The appropriate Government shall—

(a) pay disability allowance to every person with disability at the rate of rupees four thousand per month through a Government agency or a nationalised bank:

Provided that disability allowance shall be reviewed, from time to time, by the Central Government according to prevailing cost index;

(b) establish adequate number of homes for persons with disability in every district;

(c) provide medical facilities free of cost to every person with disability in Government hospitals and other designated dispensaries for the purpose;

(d) provide a residential unit free of cost in deserving cases; and

(e) constitute a Welfare Fund for the welfare and rehabilitation of persons with disability.

(2) The Central Government shall, after due appropriation made by Parliament by law in this behalf, credit adequate sums to the Welfare Fund for carrying out the purposes of this Act."

Insertion of new section 43A.

Facilities to be provided to disabled persons by the appropriate Government.

Central Government to credit adequate sums to the Disabled Persons Welfare Fund.

STATEMENT OF OBJECTS AND REASONS

Our country has a large number of persons with disability. These helpless persons have to face much difficulties due to lack of adequate measures for their care and rehabilitation. In the absence of adequate welfare measures, these persons are living in a pitiable condition. It has been a tradition in our country to take care of persons with disability but due to financial constraints, all persons, particularly belonging to lower income group, are not in a position to help these persons to lead a dignified life.

Most of the persons with disability do not have any regular source of income and cannot afford their daily needs of livelihood. Being a welfare State, it is foremost duty of the Government to provide social security to all persons with disability.

These persons with disability are being provided assistance under ongoing social security schemes but the same are inadequate. In several countries including United States of America, Canada, Denmark, financial assistance through pension scheme is provided to persons with disability. It is, therefore, felt that there is an urgent need for empowerment of persons with disability in our country by way of providing disability allowance, health facilities free of cost, residential units, homes for persons with disability in every district and other welfare measures for them.

The Bill seeks to achieve the above objectives.

NEW DELHI;
May 7, 2015.

GOPALCHINAYYASHETTY

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that the appropriate Government shall provide certain facilities like disability allowance, healthcare facilities free of cost, constitution of a Welfare Fund for persons with disability. It further provides that the Central Government shall credit adequate sums to the Welfare Fund for the purposes of the Act. The expenditure in respect of providing certain facilities to persons with disability in the States will be met from the Consolidated Funds of the respective States. However, the expenditure to be incurred in respect of providing certain facilities to the persons with disability in Union territories will be borne by the Central Government. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees two thousand crore is likely to be involved.

A non-recurring expenditure to the tune of rupees thirty crore is also likely to be involved.

BILL NO. 166 OF 2015

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

- | | |
|---|---|
| 1. This Act may be called the Constitution (Amendment) Act, 2015. | Short title. |
| 2. In the preamble to the Constitution, for the words "THE PEOPLE OF INDIA, having solemnly resolved to constitute India", the words "THE PEOPLE OF BHARAT, having solemnly resolved to constitute Bharat" shall be substituted. | Amendment of the preamble. |
| 3. In article 1 of the Constitution, for clause (1), the following clause shall be substituted, namely:—

"(1) Bharat shall be a Union of States." | Amendment of article 1. |
| 4. Throughout the Constitution, for the word "India", wherever it occurs, the word "Bharat" shall be substituted. | Substitution of reference to 'India' by 'Bharat'. |

STATEMENT OF OBJECTS AND REASONS

Historically, our country was known as Bharat. Through there are indications that the name 'India' was also in use even in very ancient times, the term came more prominently in vogue with the advent of the British imperial rule. For this reason, often the use of the term 'India' is regarded an imperial legacy. The framers of our Constitution did give recognition to the name 'Bharat' and named the republic as "India, that is Bharat" in article 1 of the Constitution. However, they chose to give precedence to "India" over "Bharat". That is why, throughout the rest of the Constitution, the term "India" has been used to refer to the republic.

The Bill seeks to amend the Constitution so as to rename the republic as "Bharat" instead of "India".

Hence this Bill.

NEW DELHI;
May 11, 2015.

BHARTRUHARI MAHTAB

BILL NO. 195 OF 2015

A Bill to provide for compulsory writing of medical prescriptions in capital letters and for opening of generic medicines shops.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Writing of Medical Prescriptions in Capital Letters and Opening of Generic Medicines Shops Act, 2015.

Short title,
extent and
commencement.

(2) It extends to the Union territories only.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Every medical practitioner shall—

(i) write the names of medicines prescribed to a patient in capital letters; and

(ii) mention in the prescription slip the names of generic equivalent of medicines prescribed to a patient.

Writing of
prescription
in capital
letters.

Central
Government
to open shops
selling generic
medicines.

3. The Central Government shall open for every one lakh of population atleast one shop selling generic medicines.

Power to
make rules.

4. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Many medical practitioners write the prescription in such a manner that the names of medicines are not clearly legible. There is every chance of mistake by the pharmacists/chemists while giving the prescribed medicines to the patients. Also, there is a lot of difference in cost of branded medicines and generic equivalent medicines. Therefore, it should be made compulsory for medical practitioners to write the names of medicines prescribed in capital letters and also mention the names of generic equivalent of medicines prescribed to patients.

Hence this Bill.

NEW DELHI;
June 29, 2015.

C.R. PATIL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall open for every one lakh of population atleast one shop selling generic medicines. It is estimated that around one thousand shops will be opened. The Central Government would have to incur expenditure from the Consolidated Fund of India for opening of shops selling generic medicines and appointment of staff in such shops in respect of Union territories. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. An annual recurring expenditure of about rupees ten crore is likely to be incurred from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 168 OF 2015

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2015.Amendment
of Eighth
Schedule.**2.** In the Eighth Schedule to the Constitution, existing entries 1 to 22 shall be re-numbered as entries 2 to 23, respectively, and before entry 2 as so re-numbered, the following entry shall be inserted, namely:—

“1. Angika.”.

STATEMENT OF OBJECTS AND REASONS

Angika is one of the most ancient and richest languages of India. Angika is considered as one of the oldest languages of the world. Angika is written in the Anga Lipi, Kaithi and Devanagiri scripts. Angika is a language of the Anga region of India which covers more than 58,000 kilometers of area falling within the States of Bihar, Jharkhand and West Bengal. Angika is spoken in most of the metros like Mumbai, Delhi, Kolkata and Bengaluru and also spoken in most of the industrial cities like Durgapur, Vadodra, Surat, Patna, Ranchi, Jamshedpur, Bokaro and other parts of the country. Angika is a language spoken in eastern part of Bihar, Santhal parganas of Jharkhand and Maldah district of West Bengal. As per 2001 Census, Angika is spoken by more than thirty million of the Indian population and around fifty million people worldwide. Angika is also spoken in Cambodia, Vietnam, Laos, Malaysia and other Southeast Asian countries. Besides this, a sizeable Angika speaking population is also residing in gulf countries, United States and United Kingdom.

In view of above, in order to promote and protect the culture and traditions of the 'Angika' language, it is necessary that the language be given its due recognition by including it in the Eighth Schedule to the Constitution.

Hence this Bill.

NEW DELHI;
July 2, 2015.

NISHIKANT DUBEY

BILL NO. 174 OF 2015

A Bill further to amend the Code of Civil Procedure, 1908.

BE it enacted by Parliament in the Sixty-sixth year of the Republic of India as follows:—

Short title.

1. This Act may be called the Code of Civil Procedure (Amendment) Act, 2015.

Amendment
of section 80.

2. In the Code of Civil Procedure, 1908 in section 80 after sub-section (1), the following proviso shall be inserted, namely:— 5 of 1908.

“Provided that if a public officer, until the expiration of two months next after notice in writing has been delivered to, does not give the reply or grant relief as per law to the plaintiff, which resulting into cause of litigation, such public officer shall be liable to pay the entire expenses of the litigation incurred by the State or the Central Government, as the case may be, and the responsibility of the public officer shall be fixed in such manner as may be prescribed.”

STATEMENT OF OBJECTS AND REASONS

Section 80 of the Code specifies that no suit shall be instituted against the Government or against a public officer in respect of any act purporting to be done by such public officer in his official capacity, until the expiration of two months next after notice in writing. The objective is to afford an opportunity to the Government or the public officer to consider the legal position and to settle the claim put forward by the plaintiff, if the same appears to be just and proper. The Government or the public officer after obtaining proper legal advice, can take an appropriate decision in the public interest within a period of two months allowed by the section, thereby saving public time and money and settling the claim without driving a person to avoidable litigation. The Supreme Court in *Bihari Chowdhury vs. State of Bihar* (AIR 1984 SC 1043) held that the objective of the section is the advancement of justice and the securing of public good by avoidance of unnecessary litigation. The administration is often unresponsive and shows no courtesy even to intimate the aggrieved party. Therefore, such notice has become an empty formality under section 80. The Law Commission also observed that in most cases, the notice given under section 80 remained unanswered till the expiry of the period of two months and in most cases, the government and public officer utilized the section merely to raise technical defenses contending either that no notice had been given or that the notice actually given, did not comply with the requirements of the section. These technical defenses appeared to have succeeded in a number of cases defeating the just claims of citizens. The Bill seeks to achieve the above objectives.

Hence this Bill.

NEW DELHI;
July 2, 2015.

NISHIKANT DUBEY

BILL NO. 181 OF 2015

A Bill to provide for social security and welfare measures for farmers and agricultural workers and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Farmers and Agricultural Workers Social Security Act, 2015.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “agricultural produce” include, paddy, wheat, coarse cereals, pulses, sugarcane, gram, cotton, oilseeds, vegetables, fruits, jute, coconut, tobacco, areca nuts and such other agricultural produce as may be notified by the Central Government from time to time and also “seed” as defined in the Seeds Act, 1996;

(b) “agricultural worker” means a person who is engaged in agricultural occupations like raising crops, dairy, farming, horticulture, poultry, etc. on payment of wages;

(c) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, that Central Government;

(d) “Board” means the National Farmers and Agricultural Workers Social Security Advisory Board constituted under section 4;

(e) “farmers” means a person who owns land and cultivates or causes it to be cultivated for agricultural or horticulture purposes and includes small and marginal farmers as identified by the appropriate Government;

(f) “Fund” means the National Farmers and Agricultural Workers Welfare Fund constituted under section 6;

(g) “old age farmer or agricultural worker” means a farmer or agricultural worker who has completed sixty years of age; and

(h) “prescribed” means prescribed by rules made under this Act.

3. The Central Government shall, from time to time, formulate suitable welfare schemes for farmers and agricultural workers on matters relating to—

Framing of welfare schemes for farmers and agricultural workers.

(a) life insurance covering death as well as suicide and disability;

(b) health and maternity benefits;

(c) provident fund; and

(d) pension to old age farmers and agricultural workers.

4. (1) The Central Government shall, by notification in the Official Gazette, constitute a board to be known as the National Farmers and Agricultural Workers Social Security Advisory Board to exercise the powers conferred upon, and to perform the functions assigned to it, under this Act.

Constitution of the National Farmers and Agricultural Workers Social Security Advisory Board.

(2) The Board shall consist of—

(a) a Chairperson to be appointed by the Central Government;

(b) two representatives of farmers to be nominated by the Central Government;

(c) two representatives of agricultural workers to be nominated by the Central Government; and

(d) the Secretary to the Government of India, in-charge of the Ministry of Agriculture shall be the ex-officio Member-Secretary to the Board.

(3) The salary and allowances payable to and other terms and conditions of service of the Chairperson and members of the Board shall be such as may be prescribed.

(4) The Central Government shall make available to the Board such number of officers and staff as may be required for efficient functioning of the Board.

5. The Board shall:—

Functions of the Board.

(a) make recommendations to the Central Government to formulate and implement suitable schemes for the welfare of farmers and agricultural workers;

(b) advise the Central Government on such matters arising out of the administration of this Act as may be referred to it;

(c) advise the Central Government regarding administration of the Fund; and

(d) undertake such other functions as may be assigned to it by the Central Government from time to time.

Constitution
of the
National
Farmers and
Agricultural
Workers
Welfare Fund.

6. (1) There shall be constituted by the Board a fund to be known as the National Farmers and Agricultural Workers Welfare Fund with an initial corpus of rupees fifty thousand crore to be provided by the Central Government, after due appropriation made by Parliament by law in this behalf for carrying out the purpose of this act.

(2) The Central Government and State Government shall contribute to the Fund in such ratio as may be prescribed.

(3) The Fund shall also comprise all sums received by the Board from such other sources as may be decided by the Central Government.

Utilization of
Fund.

7. The fund shall be utilized to provide financial assistance to the farmers and agricultural workers for the following purposes —

(a) compensation in case of death, suicide or accident;

(b) old age pension;

(c) disability assistance; and

(d) free healthcare facility to the farmers and agricultural workers and their family members.

Act to have
overriding
effect.

8. The provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to
make rules.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purpose of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule.

STATEMENT OF OBJECTS AND REASONS

The poor farmers with small cultivable area of land and without any cultivable land live a miserable life. They work either on their small land or on daily wages on the farms of others. The wages of landless farmers are too low. They belong to the class of have-nots, although they are the very backbone of our agriculture. They have a handful of children and a bagful of debts. They are the worst victims of our society. These farmers are like seeds that give fruits and flowers to others and not to themselves.

Our real farmers are these small farmers and agricultural workers. They are known by their very look. It is a look of despair. They look more dead than alive. There is hardly a line of smile on their face or a ray of hope in their heart. They are hungry and almost naked. The National Farmers Commission has recently highlighted that nearly one lakh fifty thousand farmers have committed suicides in the country since 1990. A large number of cases of suicides by farmers have taken place in Andhra Pradesh, Chhattisgarh, Madhya Pradesh, Maharashtra, Tamil Nadu and some other States. Acute poverty and indebtedness is one of the major factors for farmers for taking the extreme step of committing suicide. After death or suicide of the only bread earner of the family, the family of such poor farmer or agricultural worker leads a life in abject poverty.

Though Government has formulated a number of schemes for agricultural sector including crop insurance, kisan credit card etc., yet in case of death or suicide, the family of such small farmer or agricultural worker does not get any relief from the Government or any other body and are constrained to fall in the trap of abject poverty. Hence, there is an immediate need to formulate certain welfare measures by the Government to provide immediate relief to the affected family of the farmer or agricultural worker. A National Farmers and Agricultural Workers Welfare Fund is required to be constituted for removal of indebtedness and abject poverty among small farmers and agricultural workers and their families.

The Bill seeks to achieve the above objectives.

NEW DELHI;
July 2, 2015.

NISHIKANT DUBEY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for formulation and implementation of certain welfare schemes for farmers and agricultural workers for carrying out the purposes of the Act. Clause 4 provides for the Constitution of the National Farmers and Agricultural Workers Social Security Advisory Board. Clause 6 provides for the Constitution of a National Farmers and Agricultural Workers Welfare Fund with a initial corpus of fifty thousand crore rupees to be provided by the Central Government. It further provides that the Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees ten thousand crores will be incurred per annum.

A non-recurring expenditure of rupees fifty thousand crores is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As rules will relate to matters of detail only the delegation of legislative power is, therefore, of a normal character.

BILL NO. 171 OF 2015

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2015.

Short title.

2. In article 58 of the Constitution, in clause (1), for sub-clause (a), the following shall be substituted, namely:—

Amendment
of article 58.

"(a) is a citizen of India by virtue of being born in the territory of India."

STATEMENT OF OBJECTS AND REASONS

There is natural right of citizens born in India for holding highest constitutional post of the country, as the person born and brought up in India is deeply familiar with our political system, culture and basic concept of our society. Such a provision also exists in the constitution of other countries.

Hence this Bill.

NEW DELHI;
July 2, 2015.

NISHIKANT DUBEY

BILL NO. 175 OF 2015

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2015.

Short title.

2. After clause (1) of article 72 of the Constitution, the following clause shall be inserted, namely:—

Amendment
of article 72.

“(1A) Save as otherwise provided in clause (1), the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence relating to —

(a) sedition or waging war against the State; or

(b) terrorist activities in any part of the country,

shall be exercised by the President within a period of one year from the date of receipt of the petition of mercy.”.

STATEMENT OF OBJECTS AND REASONS

Article 72 of the Constitution gives power to the President to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence. Accordingly, considerable number of people, who are sentenced to death or life imprisonment, etc. send mercy petitions to the President of India.

However, in the last several years, criminal activities against the State including that of sedition, waging war against the Government of India and terrorist activities in many parts of the country have noticeably increased. The persons who commit such heinous crimes as killing innocent people to serve their narrow political or religious purposes use this tool or mercy petition just to delay the justice and thus even after they have been convicted, they do not serve their sentence for years because their mercy petitions take several years to be disposed of.

Though there is no need to dilute the power of the President of India under the Constitution regarding mercy petitions but in respect of certain offences such as sedition or waging war against the State or terrorist activities, this power needs to be subject to the condition that the decision of the President shall be conveyed within one year of the receipt of the mercy petition.

Hence this Bill.

NEW DELHI;
July 3, 2015.

KIRIT PREMJBHAI SOLANKI

BILL NO. 188 OF 2015

A Bill to prohibit indecent advertisements depicting vulgarity, obscenity, violent actions or horror, which adversely affect the minds of the citizens particularly of the youth and injure public morality and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prohibition of Indecent Advertisements Act, 2015.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "advertisement" includes any pamphlet, writing, drawing, painting, photograph, bill, circular, notice, label, poster, hoarding, banner or other document and also includes any visible representation made through radio, television, cassettes, slides by means of any light, sound, smoke or gas and publication in print media such as newspapers, magazines and books;

(b) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(c) "indecent advertisement" means advertisement depicting in any manner, a horror or vulgar scene or figure form or body of a male or female, whether nude or semi-nude, or any part thereof, which may have the effect of being indecent or derogatory to or denigrating men or women or any religion or is likely to deprave, corrupt or injure public morality or which may induce a person to commit any crime or which may cause road accident; and

(d) "prescribed" means prescribed by rules made under this Act.

Prohibition of indecent advertisement.

3. No person shall publish or cause to be published or arrange or take part in the publication or exhibition of or sticking, writing or painting any advertisement which is indecent in any form.

Prohibition of production, depiction, circulation and distribution of indecent advertisements.

4. No person shall produce or cause to be produced, depict, circulate or distribute any indecent advertisement in any manner.

Power to enter, search, seize and confiscate.

5. (1) Subject to such rules as may be prescribed, any Police Officer, not below the rank of Inspector, having jurisdiction in such area may—

(a) enter and search at all reasonable times, any place, in which he has reason to believe that an offence under this Act has been or is being committed;

(b) seize and confiscate any advertisement which he has reason to believe contravenes any of the provisions of this Act.

(2) Where any Police Officer seizes or confiscates any advertisement or material relating thereto under clause (b) of sub-section (1) he shall, as soon as may be, inform the nearest Magistrate and take his orders as to the custody thereof.

Penalty.

6. Any person who contravenes the provisions of section 3 or section 4 shall be punishable—

(i) on first conviction with imprisonment for a term of not less than three years but which may extend to seven years and with fine which shall not be less than thirty thousand rupees but may extend to fifty thousand rupees; and

(ii) in the event of second or subsequent conviction with imprisonment for a term of not less than five years but which may extend to ten years and with fine which shall not be less than fifty thousand rupees but which may extend to one lakh rupees.

Offences by Companies.

7. Where an offence under this Act has been committed by any company, firm or other association of individuals, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against the punished accordingly.

Offence to be cognizable and bailable.

8. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 an offence punishable under this Act shall be cognizable and bailable. 2 of 1974.

9. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

Savings.

10. (1) For the removal of doubts, it is hereby declared that the provisions of this Act shall not apply to advertisements which are aimed at educating the general public or a particular group.

Act not to apply on certain advertisements aimed at public education.

(2) For the purpose of deciding advertisements referred to in sub-section (1), the Central Government shall designate such number of officers, not below the rank of Joint Secretary, as it may deem fit.

11. (1) The Central Government may, by notification in the Official Gazette make rules for carrying out the purposes of the Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Of late every nook and corner of the country is flooded with all sorts of indecent and vulgar advertisements which are adversely affecting the minds of the people particularly the youth. The newspapers publish advertisements of cabaret dances, obscene adult films with sexy and vulgar titles depicting almost nude and compromising photographs of the scenes of such semi-blue films. Magazines are also publishing indecent advertisements of consumer goods particularly of cosmetic items. The cinema halls are not only showing vulgar, sexy and violent films but are also displaying photographs of vulgar scenes of films in their show windows and in large hoardings outside the cinema halls and other places. Posters of such films are also pasted on every space of the walls everywhere. Advertising agencies are putting large hoardings of indecent advertisements at important intersection of roads and particularly on the sides of busy roads. Sometimes, these indecent advertisements on the roadsides attract the attention of the road users resulting in fatal road accidents. Video cassettes full of indecent advertisements are sold everywhere. Even audio advertisements have become vulgar and indecent. Such advertisements are playing havoc with the minds of the young generation. Attracted with the advertisements, they are committing heinous crimes of theft, murder, rape, dacoity, etc. They are attracted towards smoking, drinking, etc. which ultimately lure them to drug addiction. Such indecent advertisements are also injuring public morality resulting in anger and anguish which became evident when school girls in the capital blackened the indecent film posters and hoardings. It is, therefore, necessary to prohibit such indecent advertisements and prescribe deterrent punishment for the violators so that the society is cleansed of such vulgar displays.

Hence this Bill.

NEW DELHI;
July 3, 2015.

KIRIT PREMJI BHAI SOLANKI

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only the delegation of legislative power is of a normal character.

BILL NO. 182 OF 2015

A Bill to provide for welfare and rehabilitation of workers of closed textile mills and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Closed Textile Mills Workers (Welfare and Rehabilitation) Act, 2015. Short title
and extent.

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires,— Definitions.

(a) "Authority" means the Closed Textile Mills Workers Welfare and Rehabilitation Authority established under section 3;

(b) "prescribed" means prescribed by rules made under this Act; and

(c) "worker" means any person engaged by or working in a textile mill on the day of its closure.

Establishment
of Closed
Textile Mills
Workers
Welfare and
Rehabilitation
Authority.

3. (1) The Central Government shall, as soon as may be, by notification in the Official Gazette, establish an Authority to be known as the Closed Textile Mills Workers Welfare and Rehabilitation Authority.

(2) The Authority shall be a body corporate by the name aforesaid, having perpetual succession and common seal with power to acquire, hold and dispose of property both movable and immovable and to contract and shall, by the said name, sue or be sued.

(3) The head office of the Authority shall be at Ahmedabad in the State of Gujarat.

Composition
of Authority.

4. (1) The Authority shall consist of the following, namely:—

(a) a Chairperson, who shall be a person having knowledge of and professional experience in the textile sector, to be nominated by the Central Government;

(b) a Deputy-Chairperson, having such qualification, as may be prescribed, to be nominated by the Central Government;

(c) three members representing workers of closed textile mills;

(d) two members, other than workers representing closed textile mills;

(e) five Members of Parliament, of whom four shall be from Lok Sabha and one from Rajya Sabha, to be nominated by the Presiding Officers of the respective Houses; and

(f) one member each representing the Union Ministries of Finance, Planning, Labour and Employment and Textiles.

(2) The salary and allowances payable to and other terms and conditions of service of the Chairperson, Deputy Chairperson and members of the Authority shall be such as may be prescribed.

(3) The Authority shall have a secretariat with such officers and members of staff with such terms and conditions of service as may be prescribed from time to time by the Central Government.

Authority to
work in
coordination
with the State
Governments.

5. (1) Subject to such guidelines as may be issued by the Central Government, the Authority shall work in coordination with the State Governments for overall welfare of workers and their families.

(2) Without prejudice to the generality of the foregoing provision, the Authority shall:—

(a) formulate welfare policies for the workers;

(b) provide all necessary assistance to the workers and their families for their rehabilitation;

(c) provide for education of the children of the workers and assist them in earning livelihood; and

(d) perform such other functions, as may be assigned to it by the Central Government, from time to time.

Closed
Textile Mills
Workers
Welfare Fund.

6. (1) The Central Government shall, as soon as may be, but not later than one year of the commencement of this Act, by notification in the Official Gazette, constitute a Fund to be known as the Closed Textile Mills Workers Welfare Fund with a corpus of rupees three hundred crores.

(2) The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.

(3) Such other sums as may be received by way of donation, contribution or assistance from individuals, organizations or otherwise shall also be credited to the Fund.

(4) The Fund shall be managed by the Authority in such manner as may be prescribed.

7. The expenses incurred on the welfare of the workers and their families shall be met out of the Fund. Utilisation of the Fund.

8. (1) The Authority shall prepare, in such form and manner, as may be prescribed, an annual report giving a true and full account of its activities during the previous year and submit it to the Central Government. Annual Report.

(2) The Central Government shall cause to be laid before each House of Parliament the reports submitted to it under sub-section (1).

9. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty: Power of the Central Government to remove difficulties.

Provided that no such order shall be made after the expiry of the period of two years from the date of the commencement of this Act.

10. The provisions of this Act shall be in addition to, and not in derogation of the provisions of any other law for the time being in force. Savings.

11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The history of cotton textile industry in India has been a chequered one. There was a time when this industry had a place of pride in the national economy. In fact this industry flourished till 1980. Ahmedabad in the State of Gujarat was known as the Manchester of India because of its rich contribution to the textile industries. There were more than 125 textile mills in Ahmedabad. The mills in Ahmedabad and in other parts of western India were catering to the cotton grown throughout the country. In those days, the textile mill owners were pro-people and pro-workers. Lakhs of workers were employed in those textile mills in various departments. Majority of them were poor, backward, villagers and belonged to dalit communities. The textile mill industry was the main identity of Ahmedabad. It ensured job opportunities to all the workers and members of their families and hence enabled them to live with dignity.

Unfortunately, in the decade of eighties, particularly after 1985, the textile mill industry faced crisis and a number of mills were closed down due to several reasons. In due course, the closure also affected many reputed textile mills throughout the country. Hence, a large number of textile mills workers became unemployed. Their families faced lot of difficulties due to their joblessness. Their living standard also deteriorated. A few half hearted attempts were made to help them but unfortunately they are still living in poverty and jobless condition.

The most shocking factor in this crisis was that the majority of mill owners sold their land where mills were situated thus earning hefty amount. But they took virtually no step to ensure that at least part of the money is given to the workers, as majority of whom, were neck deep in debt and living below the poverty line in inhuman conditions. In view of the miserable conditions of these workers, it is the duty of the Government to take immediate remedial measures. The Bill, therefore, seeks to establish an Authority to be known as the Closed Textile Mills Workers Welfare and Rehabilitation Authority to provide social security and other financial assistance to such workers. In this way, it is hoped, that the workers of closed textile mills of Ahmedabad and other parts of the country will be saved from starvation, frustration, unemployment and misery in their life.

Hence this Bill.

NEW DELHI;
July 3, 2015.

KIRIT PREMJBHAI SOLANKI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of a Closed Textile Mills Workers Welfare and Rehabilitation Authority. Clause 4 provides for composition of the Authority and the salary and allowances to Chairperson, Deputy Chairperson and other members of the Authority. Clause 6 provides for constitution of a Fund to be known as the Closed Textile Mills Workers Welfare Fund for the welfare of workers of the closed textile mills. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one thousand crore per annum.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative powers is of a normal character.

BILL NO. 191 OF 2015

A Bill to provide for the constitution of a Special Irrigation Development Fund for the development of irrigation facilities in the forest areas and for matters connected therewith.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title
and extent.

1. (1) This Act may be called the Special Irrigation Development Fund (For Forest Areas) Act, 2015.

(2) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “forest area” means any district where more than thirty-three per cent. of the total geographical area is covered by forests and has been declared as the forest area by the State Government concerned or the Central Government, as the case may be, for the purposes of this Act;

(b) "Fund" means the Special Irrigation Development Fund constituted under section 3 of this Act; and

(c) "prescribed" means prescribed by rules made under this Act.

3. (1) The Central Government shall constitute a Fund to be known as the Special Irrigation Development Fund for the development of the irrigation facilities in the forest areas of the country.

Special
Irrigation
Development
Fund.

(2) The Central Government shall, from time to time, after due appropriation made by Parliament by law in this behalf, contribute such amount to the Fund as may be necessary to carry out the provisions of the Act.

4. (1) A State Government or the Union territory Administration, as the case may be, shall forward the details of the required infrastructure and the estimated cost of the irrigation development project of the forest areas falling in their respective territories to the Central Government.

State Govern-
ment/Union
territory
Administration
to send
details of the
infrastructure
and cost
required for
the
development
of irrigation
facility in
forest areas.

(2) The Central Government, on receipt of such details, shall provide funds to the State Government or the Union territory Administration, as the case may be, for the development of irrigation facilities in the forest areas in such manner as may be prescribed.

(3) The funds provided under sub-section (2) shall be used for the following purposes:—

- (i) expeditious completion of ongoing irrigation projects in forest areas;
- (ii) construction of small ponds for the use of farmers in the forest areas;
- (iii) digging wells, bore wells in the forest areas;
- (iv) installing electric pumps for irrigation in the forest areas;
- (v) providing pipes for irrigation to the farmers living in the forest areas;
- (vi) meeting costs incurred on implementing the "Lift Irrigation Scheme" based on the water resources of the forest areas;
- (vii) renovation of old ponds and water reservoirs in forest areas; and
- (viii) construction of canals.

(4) The State Governments the Union territory Administration getting funds under sub-section (2) shall furnish the details of expenditure incurred on the irrigation development works in forest areas to the Central Government in such manner and in such time as may be prescribed.

(5) In case any State Government or Union territory Administration fails to utilise the funds for the purpose it was released or fails to produce the details under sub-section (4), the Central Government shall withhold sanction of funds to such State Government or Union territory Administration.

5. (1) The Central Government may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to
make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The Forest (Conservation) Act, 1980, has put some restrictions on the use of forest land for non-forest purposes. Due to this, irrigation projects and other development activities cannot be undertaken in the forest areas. It is neither justified nor appropriate to deprive the people who have been living in forest areas since time immemorial from getting facilities for their upliftment. A large number of proposals relating to irrigation projects in the forest areas are pending approval in the Ministry concerned. Due to lack of irrigation facilities, people living in the forest areas have to depend on rain despite having the water reservoirs. Due to non-availability of irrigation facilities, the production in forest areas is low which compels them to live in extreme poverty. The agricultural production has suffered due to increase in number of small holdings as a result of division in families. The small holding has also made it difficult for them to run their families. In case, the irrigation facility is provided even to small holdings of land it may enable the farmers to sustain their lives. Therefore, the Government should take initiative to create a Fund for the betterment of farmers.

It is becoming more and more difficult for the farmers living in forest areas to cultivate their lands due to non-availability of irrigation facilities. Farmers are committing suicide due to heavy indebtedness to local money lenders who charge high rates of interest. To save the farmers of the forest areas from the hardship presently being faced by them, there is a need to constitute a Special Irrigation Development Fund for the forest areas.

State Governments do not have sufficient funds for the development of Irrigation Projects in the forest areas. Therefore, there is a need to set up a Fund by the Central Government for the development of Irrigation Projects in the forest areas to facilitate better irrigation facilities in the forest areas and to ensure better living standard to the farmers of these areas.

Hence this Bill.

NEW DELHI;
July 3, 2015.

SUNIL KUMAR SINGH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of a Special Irrigation Development Fund for the forest areas. Clause 4 provides for the release of funds to the State Government for the development of irrigation projects in the forest areas. The Bill, therefore, if enacted, would involve an annual recurring expenditure of rupees fifty thousand crores from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five thousand crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 203 OF 2015

A Bill to provide for insurance of crops and for matters connected therewith.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title
and extent.

1. (1) This Act may be called the Crop Insurance Act, 2015.

(2) It extends to the whole of India.

2. In this act unless the context otherwise requires,—

Definitions.

(a) "crop" includes all agricultural crops such as paddy, wheat, gram, pulses, all types of fruits, coconut, all types of cotton and cotton seeds and such other agricultural commodities which may be notified, from time to time, by the Central Government, in the Official Gazette;

(b) "essential commodity" means food and clothing;

(c) "excess crop" means crop which is produced in excess of the demand and within the country where the return is very less compared to cost of production;

(d) "natural calamity" means drought, floods, cyclone, storm and heavy rains; and

(e) "prescribed" means prescribed by rules made under this Act.

3. The Central Government shall formulate a scheme providing for insurance of crops and excess of crops throughout the country.

Insurance Scheme.

4. The insurance scheme shall be applicable to all kinds of crops and in all seasons and to all farmers irrespective of the size of their land holding.

Insurance scheme to be applicable to all farmers.

5. (1) The premium in respect of insurance shall be borne by the Central Government and the State Governments in such proportion as may be prescribed.

Premium.

(2) Each farmer shall contribute towards the premium according to the size of the land owned by him and the rate shall be such as may be prescribed.

6. It shall be the duty of the Central Government to pay insurance amount to the farmers for the loss of crops suffered by them due to any natural calamity or excess of crops where the return is less.

Payment of Insurance amount.

7. (1) The insurance amount shall be paid within two months after the full assessment of the loss suffered by the farmer is made by a Committee of Experts to be constituted by the Central Government.

Insurance amount to be paid within two months.

(2) The farmers shall be fully compensated for the loss suffered by them.

8. It shall be the duty of both the Central and the State Governments to provide all essential commodities to the farmers who have submitted their claims for insurance for their daily needs free of cost till they are paid the insurance amount for the loss of their crops under section 6.

Supply of essential commodities to farmers.

9. It shall be the duty of the Central Government and the State Governments to procure excess crops from the farmers at remunerative price to be fixed by the Central Government so as to save the farmers from losses.

Procurement of excess crop.

10. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to crop insurance.

Application of other laws to crop insurance.

11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The farmers always suffer heavily due to floods, cyclone, drought and heavy rains. It has been a common phenomenon that the standing crops are destroyed by natural calamities every year. In most parts of the country, drought has also affected the crops. The frequent loss of crops suffered by farmers has rendered them helpless and has even forced them to commit suicide. Due to the loss of crops, farmers are not in a position to repay their loans to money lenders.

In the last few years, heavy rains have damaged the crops in several parts of the country. Drought was also experienced in several other States which resulted in heavy loss to farmers. Farmers have not only been victimised by natural calamities but also by Government by way of not procuring surplus production from them. It is, therefore, necessary to enact a legislation so that farmers can be compensated for loss of their crops due to natural calamities.

NEW DELHI;
July 3, 2015.

AJAY MISRA 'TENT'

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for formulation of a Crop Insurance Scheme by the Central Government. Clause 5 provides that the premium in respect of crop insurance shall be borne by the Central Government and the State Governments. Clause 6 provides that it shall be duty of the Central Government to pay the farmers the insurance amount due to loss of crops. Clause 7 provides for constitution of an Expert Committee to make assessment of the loss suffered by the farmers. Clause 8 provides for supply of all essential commodities to farmers for their daily needs free of cost till they are paid the insurance amount. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. The State Governments will also incur expenditure from their respective Consolidated Funds in respect of payment of premium of crop insurance and procurement of excess crop production. It is likely to involve an annual recurring expenditure of about rupees five hundred crore from the Consolidated Fund of India.

A non-recurring expenditure of about rupees ten thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 217 OF 2015

A Bill further to amend the Motor Vehicles Act, 1988.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Motor Vehicles (Amendment) Act, 2015.

(2) It shall come into force on such date as Central Government may, by notification in the Official Gazette, appoint.

Insertion of
new section
136A.

2. After section 136 of the Motor Vehicles Act, 1988 the following section shall be inserted, namely:—

Duty of Police
officer for
recording
procedure.

“136A. Notwithstanding anything contained in this Act, where a police officer responsible for control of traffic, intercepts any motor vehicle in anticipation of any offence under this Act, he shall—

(a) record the post-interception procedure by audio-video electronic means;

(b) inform the owner, driver or person in-charge of the motor vehicle that the procedure is being recorded; and

(c) submit the post-interception procedure to the Police headquarters for evidentiary purposes.”.

59 of 1988.

STATEMENT OF OBJECTS AND REASONS

With a view to substantially increase the transparency in the control of traffic and to check malpractices by the police officers, it is necessary that the certain duty be imposed on the police personnel responsible for the control of traffic.

The recording of post-interception procedure by the police personnel would go a long way in controlling corruption and bribery in the police personnel deputed for control of traffic. Recent incidents of misbehaviour by traffic police personnel with drivers or vehicle owners while managing traffic on roads require certain urgent steps to be taken to fix the problem.

The need of the hour is that certain duty be imposed on the police officer responsible for control of traffic.

The present Bill, therefore, seeks to amend the Motor Vehicles Act, 1988 with a view to make it a duty of the police officer responsible for control the traffic to record the post interception by audio-video electronic means, inform the driver or person in-charge of the vehicle about the same and submit post-interception procedure to the police Headquarters for evidentiary purposes.

NEW DELHI;
July 3, 2015.

DUSHYANT CHAUTALA

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides that a police officer shall record the post-interception procedure by audio-video electronic means while controlling the traffic. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees six crore per annum will be involved.

A non-recurring expenditure of about rupees sixty crore will also be involved.

BILL NO. 204 OF 2015

A Bill further to amend the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Constitution (Scheduled Castes and Scheduled Tribes) Orders (Amendment) Act, 2015.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of the
Constitution
(Scheduled
Castes) Order,
1950.

2. In the Schedule to the Constitution (Scheduled Castes) Order, 1950, in PART XVIII. — C.O. 19. *Uttar Pradesh*, entry 36 shall be omitted.

C.O. 78.

3. In the Schedule to the Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967, in entry 6, the brackets and words "(in the district of Mehrajganj, Sidharth Nagar, Basti, Gorakhpur, Deoria, Mau, Azamgarh, Jonpur, Balia, Gazipur, Varanasi, Mirzapur and Sonbhadra)" shall be omitted.

Amendment
of the
Constitution
(Scheduled
Tribes) (Uttar
Pradesh)
Order, 1950.

STATEMENT OF OBJECTS AND REASONS

The "Gond" community has been included in the lists of both the Scheduled Castes and the Scheduled Tribes in relation to the State of Uttar Pradesh. While the persons belonging to Gond Community residing in certain districts like Mehrajganj, Sidharth Nagar, Basti, Deoria and Mau of the State of Uttar Pradesh are being treated as the Scheduled Tribes, the persons belonging to this community residing in other districts are being treated as the Scheduled Castes. Initially, the persons belonging to the Gond and other sub-tribes were treated as the Scheduled Castes but later on Gond alongwith Dhuria, Nayak, Ojha, Pathari, Raj Gond have been included in the list of the Scheduled Tribes in relation to certain districts of the State of Uttar Pradesh.

There have been constant demand from the persons belonging to the Gond and other sub-tribes for exclusion of their names from the list of the Scheduled Castes and inclusion in the list of the Scheduled Tribes so that they can enjoy benefits of reservation and other facilities as the Scheduled Tribes throughout the State of Uttar Pradesh without any restriction of residence in the State of Uttar Pradesh.

In view of the long pending demand, it would be proper that persons belonging to Gond and other sub-tribes are given status of the Scheduled Tribes throughout the State.

The Bill, therefore, seeks to amend the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967 with a view to remove anomaly in the aforesaid orders and giving the status of the Scheduled Tribe to the persons belonging to Gond, Dharia, Nayak, Ojha, Pathari and Raj Gond tribes throughout the State of Uttar Pradesh.

NEW DELHI;
July 3, 2015.

FAGGAN SINGH KULASTE

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to include 'Gond' and its sub-tribes in the list of Scheduled Tribes in respect of the State of Uttar Pradesh. The Bill, therefore, if enacted, would involve additional recurring expenditure from the Consolidated Fund of India on account of benefits to be provided to the persons belonging to this tribe under the ongoing Central Schemes meant for development of the Scheduled Tribes. At this stage, it is not possible to give the exact amount to be incurred on this account. However, it is expected that a recurring expenditure of about rupees one hundred crore will be involved annually.

No non-recurring expenditure will be involved.

BILL NO. 201 OF 2015

A Bill to provide for the payment of compensation, monthly allowance, relief and other rehabilitation measures and facilities to the dependents of persons killed in naxalite acts of violence and payment of compensation to those who lost their property, crops and houses due to such violence in the country and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Victims of Naxalite Act of Violence (Relief and Rehabilitation) Act, 2015.

(2) It extends to the whole of India.

Short title,
extent and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, Government of that State and in all other cases the Central Government;

(b) "family" includes husband, wife and dependent children and aged parents;

(c) "prescribed" means prescribed by rules made under this Act; and

(d) Words and expressions used and not defined in this Act but defined in the Indian Penal Code, 1860, the Code of Criminal Procedure, 1973 and the Unlawful Activities (Prevention) Act, 1967 shall have the meanings, respectively, assigned to them in those Acts.

45 of 1860.
2 of 1974.
37 of 1967.

Payment
Compensation
to the family
of persons
killed by
naxalites.

3. (1) Notwithstanding anything contained in any other law for the time being in force, the family of a citizen who is killed due to naxalite act of violence shall be paid compensation by the appropriate Government as specified hereinafter, namely:—

(a) an *ex-gratia* grant of such amount which shall not be less than five lakh rupees in such manner as may be prescribed;

(b) financial assistance at the rate of two thousand rupees per month for such period, as may be prescribed;

(2) In case a citizen killed by naxalite act of violence above was the only earning member of family, the appropriate Government shall,—

(i) pay family pension at the rate of four thousand rupees per month to the family;

(ii) provide gainful employment to any one eligible member of the family;

(iii) provide free education including vocational education to the children of the citizen killed; and

(iv) provide such other assistance to the family of the citizen killed as it may deem necessary for the welfare of the family.

(3) The provisions of sub-section (2) shall be in addition to the provisions of the sub-section (1).

Compensation
to persons
wounded by
naxalite
violence.

4. Any citizen who receives severe injuries thereby permanently incapacitating him or seriously injuring him with deep wounds, the appropriate Government shall,—

(a) provide him appropriate medical care and bear the entire costs of his medical treatment; and

(b) pay an *ex-gratia* grant as compensation of not less than four lakh rupees in such manner as may be prescribed.

Compensation
for other
losses due to
naxalite
violence.

5. (1) Where any citizen or family losses the dwelling unit having been destroyed or damaged due to torching or bombing by the naxalities, the appropriate Government shall,—

(a) provide an alternate dwelling unit to such citizen or family, as the case may be, in such manner as may be prescribed; and

(b) bear the entire cost of repairs of the damaged dwelling unit in case it is repairable.

(2) Where a citizen losses his livestock or his standing crop or orchard or poultry farm or piggery farm due to naxalite act of violence, the appropriate Government shall pay adequate compensation to such citizen in such manner as may be prescribed.

(3) Where a citizen losses his business establishment or shop or kiosk or hawking or vending apparatus due to destruction thereof due to naxalite acts of violence, the appropriate Government shall pay adequate compensation to that citizen in such manner as may be prescribed.

6. (1) The Central Government shall, as soon as may be, in consultation with the State Governments affected by naxalite violence, formulate a national policy—

National Policy for Naxal violence.

(i) to curb the spread of naxalite menace and eliminate the naxalite insurgents in the manner it is deemed necessary; and

(ii) to grant general amnesty to and rehabilitation of those naxalites who wish to surrender arms and shun violence and return to the mainstream of the nation under the Constitution of India by providing them gainful employment assistance for self employment and such other measures as the Central Government may deem necessary and expedient to do so in the overall national interest.

(2) The appropriate Government may, if it deems necessary, fit and expedient to do so in the public interest, promote village level security system by way of constituting teams of volunteers of village youth for the protection of their village from naxalite violence and provide such volunteers with necessary training, weapons and ammunition and necessary aids from time to time in such manner as may be prescribed.

7. The Central Government shall after due appropriation made by Parliament by law in this behalf, provide the requisite funds to the States affected by acts of naxalite violence for carrying out the purposes of this Act.

Central Government to provide funds.

8. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of the difficulty and any such order or direction, as the case may be, shall be final:

Power to remove difficulty.

Provided that no such order shall be made after the expiry of two years from the date of commencement of this Act.

9. The provisions of this Act and rules made there under shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force dealing with the subject matter of this Act.

Overriding effect of the Act.

10. (1) The Central Government may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Our country is very vast and insurgency is not a new phenomenon in the country but of late many parts of the nation are in the grip of naxalite violence who are openly challenging the authority of the State and are virtually running parallel Governments in some parts of the country. The naxalites who are mostly the youth are known by different names such as naxalities, Peoples War Group (PWG), Maoists, Leninist-Maoists, etc. are active on a substantial scale in Chhattisgarh, Jharkhand, parts of Andhra Pradesh, Odisha, Maharashtra, Bihar, Madhya Pradesh, Uttar Pradesh, West Bengal, Karnataka, Tamil Nadu etc. apart from the insurgents in North-East. The naxalites are killing thousands of innocent people, policemen, personnel of paramilitary and armed forces just to create panic. They torch or blow up houses, shops and other establishments. They kidnap people for ransom and hang many after conducting people's court. They even loot the police stations, their weapons and blow them up with police personnel. The naxalites indulge in extortions, collect illegal taxes and in the naxalite occupied areas people remain indoors after the sunset.

Though, many precious lives are lost due to acts of violence of the naxalites but the victims are not duly compensated by the States. A paltry amount is given to the victims that too with much hassles. The families of people losing lives are not taken care of nor those who are critically injured or losing their houses, livestock, crops, business establishments, etc. In a democratic country like ours, it is the sacred duty of the State to protect the life and property of its citizens and eliminate the extremists. If the State fails in its duty, then the affected citizens have to be duly compensated by the State. The youth join these outfits for variety of reasons and they have to be brought back to the mainstream of the nation by giving them amnesty, employment opportunities and incentives and suitable rehabilitation. But those defying, despite best efforts, should be eliminated under a national policy.

Hence this Bill.

NEW DELHI;
July 6, 2015.

SUNIL KUMAR SINGH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for payment of compensation to the family of persons killed by naxalites. Clause 4 provides for compensation to persons wounded by naxalites. Clause 5 provides for compensation for other losses. Clause 7 makes it obligatory for the Central Government to provide requisite funds for carrying out the purposes of the Bill. The Bill if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one thousand crore may be involved as recurring expenditure per annum.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is therefore of a normal character.

BILL NO. 190 OF 2015

A Bill to provide for the prevention of commercialised trafficking of girl child wherein a girl child is forced into prostitution after luring, procuring or kidnapping her or dedicating her as devadasi for commercial gains by providing deterrent punishment including capital punishment for such trafficking and for rehabilitation of and other welfare measures for such girl child to be undertaken by Government and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title
and extent.

1. (1) This Act may be called the Girl Child (Prevention of Commercialised Trafficking, Rehabilitation and Welfare) Act, 2015.

(2) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "girl child" means a female who is below the age of eighteen years;

(c) "prescribed" means prescribed by rules made under this Act;

(d) "trafficking" includes forcing the girl child into prostitution or for any unlawful and immoral purpose or procuring or supplying the girl child for such purpose or dedicating the girl child as devadasi or bhavin to ultimately end up as prostitute or hiring or obtaining possession of the girl child for promiscuous sexual purposes; and

(e) Words and expressions used and not defined in this Act but defined in the Indian Penal Code, 1860 or the Immoral Traffic (Prevention) Act, 1956 shall have the same meanings, respectively assigned to them in those Acts.

3. (1) The commercialised trafficking of girl child, in any manner, whatsoever, is hereby prohibited.

Prohibition of girl child trafficking for commercial purposes.

(2) Whoever contravenes the provisions of sub-section (1) shall be guilty of an offence under this Act.

4. Notwithstanding anything contained in any other law for the time being in force, whoever,—

Penalty.

(a) forces a girl child to prostitution for commercial gains, notwithstanding the family relation of such girl child with the accused, shall be punished with death;

(b) lures, procures or takes charge of a girl child for indulging in immoral traffic of such girl child for the purposes of prostitution or for any unlawful and immoral purpose, shall be punishable with imprisonment for life and also with fine which may extend to five lakh rupees;

(c) hires or otherwise obtains possession of a girl child for her promiscuous sexual abuse shall be punished with life imprisonment and also with fine which may extend to five lakh rupees;

(d) provides a girl child to his customers including any domestic or foreign tourist for prostitution or for any unlawful and immoral purpose shall be punishable with rigorous imprisonment for a term which shall not be less than ten years but may extend to life imprisonment and also with fine which shall not be less than two lakh rupees but may extend to five lakh rupees; and

(e) dedicates a girl child as devadasi or bhavin, notwithstanding that the person is a natural guardian of the girl child, shall be punishable with imprisonment which shall not be less than five years but may extend to ten years and also with fine which may extend to one lakh rupees.

5. (1) Any girl child forced into commercialised trafficking covered under this Act shall be rescued by the appropriate Government through the local police and produced before a Magistrate or Judicial Officer so designated by such Government for being lodged in a shelter home which shall be established by that appropriate Government.

Girl child forced into commercialised trafficking to be rescued by the appropriate Government.

(2) Every girl child rescued and lodged in a shelter home under sub-section (1) shall be provided,—

(a) boarding and lodging with meals and other necessities of daily life free of cost;

(b) medical care free of cost;

(c) education including vocational, technical and medical education including training wherever required free of cost;

(d) public employment through reservation and other means; and

(e) such other facilities as may be prescribed.

Welfare
measures.

6. The appropriate Government shall provide rehabilitation and such other welfare measures for a rescued girl child, forced into commercialised trafficking in such manner as may be prescribed.

Central
Government
to provide
funds.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds, from time to time, for carrying out the purposes of this Act.

Act to have
overriding
effect.

8. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to
supplement
other laws.

9. The provisions of this Act shall be in addition to and not in derogation of any other law for the time in force.

Power to
make rules.

10. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

It is a matter of grave concern that these days commercialised trafficking of girl child is going on in a very large scale and many a time in the name of adventure tourism in many parts of the country particularly, in Goa, Mumbai, Odisha, Rajasthan, Tamil Nadu, Kerala and other tourist destinations. Unfortunately, girl child trafficking or prostitution is rampant not only in our country but throughout the world and more so, in Asian and African countries where poverty persists in a big way. More and more adolescent girls are being forced into commercialised prostitution by pimps, anti-social elements, organised criminal gangs, brothel keepers, hoteliers, tour operators and in many cases even by their natural guardians and near and dear ones. Mostly the girls are lured on one pretext or the other promising a decent and comfortable lifestyle and forced into trafficking. In other cases the girls are kidnapped and forced into prostitution. The girls are now even brought in from neighbouring countries like Nepal, Bangladesh, Myanmar, Bhutan, etc. for commercialised trafficking by organised gangs. In some parts of the country the young girls are dedicated to temples as devadasi or bhavin and then used for trafficking. For this shoddy affairs all the tourists cannot be blamed but a few tourists do indulge in sex tourism.

The lives of the girls children prostitutes are in constant danger due to deadly AIDS and other sexually transmitted diseases. But those who are involved in commercialised girls child trafficking are least bothered about these hapless girl children and deserve deterrent punishment. It is, therefore, proposed that whoever forces a girl child into prostitution should be awarded death penalty. Those who procure the girl child for sexual pleasure and those who provide the girl child to the clients should get life imprisonment. Similar other proposals have also been made in this Bill so that the hapless innocent girls are saved not only from the cruel and inhuman profession of prostitution but also from the dreaded disease of AIDS and other sexually transmitted diseases.

Hence this Bill.

NEW DELHI;
July 6, 2015.

SUNIL KUMAR SINGH

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for the establishment of shelter homes for the rescued girls child from trafficking with provision of basic necessities of life, education, medical care, etc. Clause 6 provides for rehabilitation and other welfare measures for rescued girl child. Clause 7 provides for adequate funds to be provided by the Central Government for carrying out the purposes of this Act. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. Though it is very difficult to estimate the expenditure at this juncture it is estimated that a sum of rupees five hundred crore may involve as recurring expenditure per annum.

A sum of rupees one thousand crore may also involve as non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only the delegation of legislative power is, therefore, of a normal character.

BILL NO. 212 OF 2015

A Bill further to amend the Code of Criminal Procedure, 1973.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Code of Criminal Procedure (Amendment) Act, 2015. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2 of 1974.

2. In the Code of Criminal Procedure, 1973, after section 199, the following section shall be inserted, namely:— Insertion of new section 199A.

"199A. (1) Notwithstanding anything in this Code, every report or complaint of a missing child shall be presumed to be an offence of abduction or trafficking and such report or complaint shall be recorded in accordance with the provisions of section 154. Investigation procedure in cases of missing children.

(2) Where the Investigating Officer, in the course of investigation, is satisfied that the presumption of abduction or trafficking is not maintainable, he shall forward to a magistrate empowered to take cognizance of such offence, a report in the form prescribed by the State Government in this behalf."

STATEMENT OF OBJECTS AND REASONS

In India, a countless number of children disappear every year. What is worse is that only a little less than two-third of them are traced and restored to their families. Often such untraced children are pushed into forced labour, commercial sexual exploitation, illegal adoption rackets, organ trade, medical testing and other crimes including begging, pick pocketing, addiction, etc. In 2005, the National Human Rights Commission (NHRC) informed that on an average 44,000 children are reported missing every year. Of these, as many as 11,000 remain untraced.

A major reason for untraceability of such a large number of children is the inadequate provisions in law for giving priority investigation to such cases. While many cases of missing children go unreported, in many other cases a mere missing report is filed wherein no cognizable offence is made out until and evidence to corroborate such offence is found. As a result, a missing child appears merely as an entry in the police diary.

The 'Bachpan Bachao Andolan' raised the issue of missing children before the Hon'ble Supreme Court in a Public Interest Litigation. The Court ruled that the cases of missing children should be treated as cognizable offence and a First Information Report be lodged accordingly to facilitate proper and timely investigation into the matter.

With the above objects in view, the Bill seeks to provide that in the case of every report or complaint of a missing child, there will be an initial presumption of abduction or trafficking and an F.I.R. will be lodged accordingly.

Hence this Bill.

NEW DELHI;
July 6, 2015.

BHARTRUHARI MAHTAB

BILL NO. 216 OF 2015

A Bill further to amend the Drugs and Cosmetics Act, 1940.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Drugs and Cosmetics (Amendment) Act, 2015.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

23 of 1940.

2. In the Drugs and Cosmetics Act, 1940, after Chapter III, the following Chapter shall be inserted, namely:—

Insertion of new
Chapter IIIA.

"CHAPTER IIIA

CLINICAL TRIALS OF DRUGS

15A. (1) The Central Government shall, by notification in the Official Gazette, constitute an Authority to be known as the Clinical Trials Accreditation Authority consisting of the following members, namely,—

Constitution of
Accreditation
Authority.

(a) Secretary to the Government of India, Ministry of Health and Family Welfare, Department of Health and Family Welfare—Chairperson, *ex officio*;

(b) Directors of all All-India Institutes of Medical Sciences—members, *ex officio*;

(c) Director-General of Health Services, Directorate General of Health Services, New Delhi—members, *ex officio*;

(d) Director, Post Graduate institute of Medical Education and Research, Chandigarh—member, *ex officio*;

(e) Director, Post Graduate Institute of Medical Education and Research, New Delhi—member, *ex officio*; and

(f) Director, Jawaharlal Institute of Post Graduate Medical Education and Research, Puducherry—member, *ex officio*;

(2) The Accreditation Authority shall accredit investigators and trial sites for conduct of clinical trial of drugs.

(3) The Accreditation Authority shall appoint a Registrar to maintain a registry of clinical trials and their outcomes.

(4) The Accreditation Authority shall constitute a Committee of Experts to examine applications for conduct of clinical trials by accredited investigators.

(5) The Accreditation Authority shall appoint such officers and staff as are necessary for discharge of its functions under this Act.

Conduct of
clinical trials.

15B. (1) A clinical trial shall be conducted only by an accredited investigator entity at an accredited trial site.

(2) An accredited investigator shall apply to the Committee of Experts for permission to conduct clinical trials.

(3) Each such application shall be examined by the Committee of Experts, with special reference to, but without prejudice to examination of any other aspect that may be relevant, the possibility of serious adverse consequences for human subjects, existence of free and informed consent of human subjects and the provisions for adequate compensation in the case of any injury or adverse effect on such subjects due to the clinical trial.

(4) The Committee of Experts shall give its decision on an application for clinical trial within sixty days:

Provided that the Accreditation Authority may, for reasons to be recorded in writing, reverse the decision of the Committee of Experts within a period of ten days from the date of decision of the Committee of Experts.

Informed
consent.

15C. Every human subject participating in a clinical trial shall be informed about the entire procedure of clinical trial and the possible adverse effects of such trial on his health:

Provided that unless an application for clinical trial is accompanied by a declaration of free and informed consent made by such human subject, no permission for clinical trial shall be granted.

Compensation.

15D. Every human subject participating in a clinical trial or his legal heirs, as the case may be, shall be paid adequate monetary compensation in the case of any adverse effect on his health during the course of a clinical trial or as an after-effect of the trial:

Provided that in the case of death of the human subject or a serious adverse effect on his health causing permanent disability, the compensation shall not be less than five lakh rupees.

15E. (1) Whoever, himself or by any other person on his behalf, conducts clinical trial of drugs without obtaining permission under section 15B, shall be punished with imprisonment for a term which shall not be less than three years and shall also be liable to fine which shall not be less than twenty lakh rupees.

Penalty for conducting clinical trial without permission.

(2) Whoever, himself or by any other person on his behalf, conducts clinical trial without obtaining permission and such trial causes grievous hurt or death of trial participant, shall be punished with imprisonment for a term which shall not be less than five years but which may extend to eight years and shall also be liable to fine which shall not be less than thirty lakh rupees.

(3) The fine imposed under this section shall be paid to the trial participant or, as the case may be, his legal heirs.

15F. Whoever, having been convicted of an offence under section 15E is again convicted under that section, shall be punished with imprisonment for a term which shall not be less than ten years and shall also be liable to fine which shall not be less than fifty lakh rupees.

Penalty for repeat offence.

15G. Whoever, responsible to provide compensation for clinical trial related injury or death under this Chapter fails to do so, shall be punished with imprisonment which may extend to three years and with fine which shall not be less than twice the amount of the compensation.

Penalty for failure to provide compensation.

15H. Where an offence under this Act has been committed by a company, every person who at the time the offence was committed, was in charge of, and was responsible to, the company, for the conduct of business of the company, as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Offences by companies.

Provided that nothing in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of such offence.

Explanation.—For the purpose of this section —

(i) "Company" means any body corporate and include a firm or other association of individuals; and

(ii) "director", in relation to a firm, means a partner in the firm."

STATEMENT OF OBJECTS AND REASONS

India has been a major target for investigators seeking human subjects for clinical trials of drugs. While most trials are being conducted by multi-national corporations, Indian pharmaceutical companies are also not far behind. The high mortality rates and serious adverse effects on the health of human subjects have often been considered indicative of the fact that human subjects in clinical trials are being treated as guinea pigs in India. What makes the situation even worse is the fact that in many cases no compensation is paid and, even where it is paid, it is not sufficient relative to the injury suffered by the human participant due to the clinical trial.

In view of the above, the Bill seeks to make the following amendments in the Drugs and Cosmetics Act, 1940—

- (i) providing for establishment of an Accreditation Authority for granting accreditation to investigators (who will conduct trials) and trials sites (which can be a hospital or other place where the trial will be conducted);
- (ii) constitution of a Committee of Experts to examine applications for clinical trials;
- (iii) appointment of a Registrar for keeping registry of clinical trials and their outcomes;
- (iv) providing for mandatory free and informed consent from human subjects participating in clinical trials and provision of adequate compensation for injuries or death due to such trials; and
- (v) providing for punishment for conduct of clinical trials without permission and for failure to provide compensation.

Hence this Bill.

NEW DELHI;
July 06, 2015.

BHARTRUHARI MAHTAB

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for constitution of an Accreditation Authority, a Committee of Experts, and appointment of a Registrar and other officers and staff of the Accreditation Authority. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure about rupees five crores will be involved per annum.

A non-recurring expenditure of about rupees twenty crores is also likely to be involved.

BILL No. 178 OF 2015

A Bill to provide for establishment of an Authority for supply of nutritious food to the neglected, homeless, street, physically or mentally challenged or malnourished children and to the members of the families living below poverty line and for matters connected therewith.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Eradication of Malnutrition Act, 2015.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commence-
ment.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "Authority" means the Eradication of Malnutrition Authority established under section 3;

(c) "malnourished person" includes neglected, destitute, physically and mentally challenged children and members of families living below poverty line who do not have proper means of nutrition or cannot afford it due to their poor economic condition or a pregnant woman; and

(d) "prescribed" means prescribed by rules made under this Act.

Establishment
of Eradication
of
Malnutrition
Authority.

3. (1) The Central Government shall, as soon as may be, by notification in the Official Gazette, establish an Authority to be known as the Eradication of Malnutrition Authority for carrying out the purposes of this Act.

(2) The Authority shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both moveable and immovable and to enter into contract and shall also be liable to sue and be sued by that name.

(3) The headquarter of the Authority shall be at New Delhi.

(4) The Authority shall have the power to establish its branches in all States and Union territories in such manner as may be prescribed.

(5) The Authority shall have a Secretariat with such number of officers and employees, as may be necessary for its efficient functioning and with such terms and conditions of service, as may be prescribed.

Composition
of the
Authority.

4. The Authority shall consist of—

(a) the Union Minister of Women and Child Development who shall be the Chairperson-*ex-officio*;

(b) a Deputy-Chairperson, having such qualifications, as may be prescribed, to be appointed by the Central Government;

(c) five Members of Parliament, of whom three shall be from the Lok Sabha and two from the Rajya Sabha, to be nominated by the Presiding Officers of the House concerned;

(d) not more than two members representing the Union Ministries of Human Resource Development and Social Justice and Empowerment to be appointed by the Central Government;

(e) not more than five members representing State Governments to be appointed by the Central Government in consultation with the State Governments, on rotation basis; and

(f) not more than four members representing Non-Governmental Organizations working in the field of welfare of physically and mentally challenged, destitute, neglected children and members of families living below poverty line to be appointed by the Central Government.

Functions of
the Authority.

5. (1) It shall be the duty of the Authority to ensure supply of nutritious food to malnourished persons in such manner as may be prescribed.

(2) Without prejudice to the generality of the foregoing provisions, the Authority shall also perform the following function,—

(a) maintain district-wise register of destitute, neglected, physically and mentally challenged malnourished children and families living below poverty line with such details and in such manner as may be prescribed;

(b) give wide publicity to the provisions of this Act and also about the steps being undertaken by the Authority to supply nutritious meal to the malnourished persons through electronic and print media; and

(c) undertake such other functions not inconsistent with the provisions of this Act, as may be assigned to it by the appropriate Government from time to time.

6. The appropriate Government shall, on the recommendation of the Authority, provide to the malnourished persons,—

Appropriate Government to provide certain facilities.

(a) payment of two thousand five hundred rupees per month to such families or to a guardian who is assigned with the responsibility to look after a malnourished child;

(b) payment of rupees one thousand per month as subsistence allowance to such families suffering from malnutrition and having no dependent child;

(c) payment of financial assistance to Non-Governmental Organisations working for the welfare of malnourished persons in such manner as may be prescribed;

(d) free periodical medical check-up of malnourished person with a view to provide them required nutritious food to overcome the deficiency in nutrition level; and

(e) such other facilities, as may be necessary, for well being and all-round development of malnourished persons.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the Authority, from time to time, for carrying out the purposes of this Act.

Central Government to provide adequate funds.

8. The provisions of this act shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to those covered under this Act.

Act to have overriding effect.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Approximately forty per cent. of the total population of our country lives below poverty line. Their income is so meagre that they have to struggle for survival throughout their lives. On account of extreme poverty, it is not possible for them to take adequate nutrition. They are inadequately nourished but have to do hard manual labour. The women cannot bear healthy children for want of proper nutrition. Likewise they cannot give proper nutrition to their children. Most of the children of the parents living below poverty line are placed in a vulnerable condition. There are also destitute, neglected children who suffer a lot of hardships in silence. Therefore, the families as well as the children suffer from the malnutrition which affect their proper development. Affirmative action by the State to provide nutritious food to such children and families is an ineluctable social necessity. Proper development of children is possible only when they are provided with proper and nutritious food by the State to meet their requirements to stay healthy.

Hence this Bill.

NEW DELHI;
July 6, 2015.

MANOJ RAJORIA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the Eradication of Malnutrition Authority. Clause 4 provides *inter alia* for appointment of Deputy Chairperson and other members representing Non-Governmental Organisations working for the welfare of malnourished children, etc. Clause 5 provides for maintaining districtwise register of neglected, destitute children and giving publicity to the scheme undertaken by the Authority for supply of nutritious food, etc. Clause 6 provides that the appropriate Government shall pay certain amount per month and to provide certain other facilities to the destitute and neglected children and families living below poverty line. Clause 7 provides that the Central Government shall provide requisite funds to the Authority, after due appropriation made by Parliament. The expenditure relating to States shall be borne out of the Consolidated Funds of the respective States. However, the expenditure in respect of Union territories shall be borne out of the Consolidated Fund of India.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five hundred crore may be involved as a recurring expenditure per annum.

A non-recurring expenditure to the tune of rupees one hundred crore may also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of normal character.

BILL NO. 185 OF 2015

A Bill to provide for the fixing of maximum retail price of all fertilizers by the Central Government and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Fertilizer (Price Control) Act, 2015.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "dealer" means a person engaged in the business of selling fertilizers whether in wholesale or retail or industrial use and includes a manufacturer, importer and a pool handling agency carrying on such business and his agents;

(b) "fertilizer" means any substance used or intended to be used as a fertilizer of the soil or crop and specified in Part A of Schedule 1 of the Fertilizer (Control) Order, 1985 and includes a mixture of fertilizer and special mixture of Fertilizers;

(c) "importer" means a person who imports fertilizer in accordance with the export and import policy of the Central Government, as amended from time to time;

(d) "manufacturer" means a person carrying on business of manufacturing of fertilizers;

(e) "maximum retail price" means the ceiling price plus taxes and duties as applicable at which the fertilizer shall be sold in the market;

(f) "pool handling agency" means an agency entrusted by the Central Government with functions relating to handling and distribution of imported fertilizers; and

(g) "prescribed" means prescribed by rules made under this Act.

3. (1) The Central Government shall, within sixty days of the commencement of this Act, constitute a Committee of Experts in such manner and on such terms and conditions as may be prescribed with a view to examine and recommend the maximum retail price of the fertilizers.

Fixation of price of fertilizer by the Central Government.

(2) The Central Government shall, on receipt of the recommendations from the Committee of Experts, fix the maximum retail price or rate at which any fertilizer may be sold by a dealer, manufacturer, importer or a pool handling agency.

(3) The Central Government shall revise the maximum retail price of the fertilizers once in a year based on the recommendations of the Committee of Experts.

4. No dealer, manufacturer, importer or pool handling agency shall sell or offer for sale any fertilizer at a price exceeding the maximum price or rate fixed under sub-section (2) of sections 3.

Prohibitions on selling of fertilizer at a price exceeding the price determined by the Central Government.

5. (1) The Central Government shall reimburse the excess cost of production over the fixed selling price of the fertilizer as subsidy to the fertilizer manufacturing companies.

Central Government to provide subsidy.

(2) The subsidy as prescribed under sub-section (1) shall be decided by the Central Government in consultation with the Ministry of Chemicals and Fertilisers and Ministry of Agriculture of all the State Governments.

6. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have overriding effect.

7. (1) The Central Government may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Chemical Fertilizers play a significant role in making the agricultural sector of the country, self reliant. As rightly stated by the working group of Planning Commission, agricultural productivity is very importantly dependent on the usage of optimum primary, secondary and micro nutrients and hence the role of the Government becomes more significant in making available all types of nutrients at affordable prices to farmers at appropriate time.

India followed a system of controlled prices for all fertilizers until 1992, when the Government decontrolled Phosphatic and Potassic (P&K) fertilizers. Now, urea being the only controlled fertilizer, is sold at statutory notified uniform sale price, and decontrolled Phosphatic and Potassic fertilizers are sold at indicative Maximum Retail Prices (MRPs). After the decontrol, the prices of the Phosphatic & Potassic fertilizers registered a sharp increase in the market, which created an adverse impact on the demand and consumption of the same. There was also a noted increase in the consumption of subsidized urea, causing an imbalance in the usage of the nutrients of N, P & K (Nitrogen, Phosphate and Potash) and the productivity of the soil. To remove the imbalance in consumption of fertilizers, the Government from 2010 introduced Nutrient Based Subsidy (NBS) Policy which has also not proved very useful. Nutrient based subsidy policy has given the liberty to the manufacturers or importers of chemical fertilizers to fix the maximum retail price based on their cost of production or import. Since then, the fertilizer companies had been hiking the retail price of fertilizers at will, causing extreme hardship to farmers. There is at present no institutional mechanism under the NBS Policy to determine the reasonableness of maximum retail price fixed by the fertilizer companies or any express provision for taking action against manufacturers or marketeers in this behalf.

Pricing of fertilizers being an important area of decision making which can have longstanding impacts on the sustainability of the agricultural sector in the country, it is imperative to withdraw the Nutrient based subsidy policy and to restore the earlier system of fixing the maximum retail price of fertilizers.

Hence this Bill.

NEW DELHI;
July 6, 2015.

RAJESH RANJAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of Committee of Experts with a view to examine and recommend to the Central Government about the fixation of the maximum retail price of the fertilizers. Clause 5 provides that the Central Government shall reimburse the excess of cost of production over selling price of fertilizers as subsidy to the fertilizer companies and the rate of such subsidy shall be decided by the Central Government in consultation with the Ministry of Chemicals and Fertilizers and Ministry of Agriculture of the State Governments. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. The recurring and non-recurring expenditure on it cannot be estimated at this stage, but has to be worked out by Central Government while implementing the provisions of the Act.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 221 OF 2015

A Bill to provide for the prevention of trafficking of girl child for commercial purposes by forcing her into prostitution or for promiscuous sexual acts in the garb of adventurous tourism or otherwise and for providing deterrent punishment including capital punishment for such commercialized trafficking and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prevention of Trafficking of Girl Child for Commercial Purposes Act, 2015.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases the Central Government;

(b) "commercial trafficking of girl child" includes pushing or forcing the girl child into prostitution in order to earn money therefrom or using the girl child for any unlawful or immoral purpose or procuring or supplying the girl child for such purpose by charging or earning money or hiring or obtaining possession of a girl child for promiscuous sexual purposes by any person including foreign tourists;

(c) "girl child" means a female who is below the age of eighteen years;

(d) "prescribed" means prescribed by rules made under this Act;

(e) Words and expressions used and not defined in this Act but defined in the Indian Penal Code, 1860 or the Immoral Traffic (Prevention) Act, 1956 shall have the same meanings, respectively, assigned to them in those Acts.

45 of 1860.
104 of 1956.

Prohibition of
commercial
trafficking of
girl child.
Penalties.

3. (1) Notwithstanding anything contained in any other law for the time being in force, commercial trafficking of girl child in any manner or purposes whatsoever, is hereby prohibited.

(2) Whoever contravenes the provisions of sub-section (1) shall be guilty of an offence under this Act.

Penalties.

4. Notwithstanding anything contained in any other law for the time being in force whoever,—

(a) abets or induces, by any means including emotional blackmail, a girl child to have sexual intercourse or unnatural sex with any person including foreign tourist in return for money, notwithstanding the family relation of such girl child with the accused or any prevailing custom, shall be punished with rigorous imprisonment for life and also with fine which may extend to rupees two lakh;

(b) forces or pushes, by using any coercive or cruel means, any girl child into prostitution or for unnatural sexual acts for earning money or otherwise shall be punished with death;

(c) acts as an agent in commercial trafficking of girl child shall be punished with imprisonment which shall not be less than seven years but may extend to life imprisonment and also with fine which may extend to rupees five lakh;

(d) lures, procures or kidnaps any girl child for commercial trafficking of such girl child shall be punished with rigorous imprisonment for a term which shall not be less than ten years but may extend to life imprisonment and also with a fine which may extend to rupees five lakh;

(e) owns or runs a brothel or uses any house, premises or hotel to keep a girl child as prostitute or sex worker, such owner or manager by whatever name known shall be punished with life imprisonment and also with fine which may extend to rupees five lakh;

(f) hires, procures or obtains possession of a girl child for promiscuous sexual intercourse or indulge in unnatural sexual acts with her shall be punishable, notwithstanding the foreign citizenship of the accused, with life imprisonment and also with fine which may extend to rupees five lakh;

(g) dedicates a girl child as *Devdasi* or *Bhavin* or by whatever name called, who ultimately ends up in prostitution, notwithstanding that accused is a natural guardian of the girl child or related to her in any manner shall be punished with imprisonment which shall not be less than five years but may extend to ten years and also with a fine which may be extended to rupees two lakh.

Rescue,
Rehabilitation
and Welfare
measures.

5. (1) The Central Government shall, as soon as may be, but within six months of commencement of this Act, formulate a national policy for the rescue, rehabilitation and welfare of the girl child covered under this Act.

(2) Without prejudice to the generality of the provisions of sub-section (1), the measures referred to therein may provide for,—

(a) rescue of the girl child forced into commercial trafficking through the local police by making it mandatory for the police to raid the brothels and such other places within its territorial jurisdiction where the girl child is kept or has reasonable grounds for believing that girl child is kept therein;

(b) taking custody of the rescued girl child and as far as practicable reunite her with her family and in case she is homeless or without natural guardians provide her boarding, lodging and other facilities in children home established by the appropriate Government for the purpose;

(c) welfare measures like free medical care, education including vocational technical and medical education and training wherever required;

(d) provision of employment in public employment through reservation and other means;

(e) marrying the girl child when she becomes major and costs for which to be borne by the appropriate Government;

(f) such other measures as may be deemed necessary for the welfare and rehabilitation of the girl child covered under this Act.

6. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 the offences under this Act shall be cognizable and non-bailable.

Offences to be cognizable and non-bailable.

7. (1) The Offences under this Act shall be tried by the Fast Track Courts to ensure expeditious trial of such offences.

Offences to be tried by Fast Track Courts.

(2) The trial shall be held in camera on daily basis till the case is decided and judgement delivered.

(3) The appropriate Government shall establish such number of Fast Track Courts within its territorial jurisdiction as it may deem necessary for carrying out the purposes of this Act.

8. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds for the establishment and running of Fast Track Courts, Children Homes and for other purposes of this Act.

Central Government to provide funds.

9. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to the subject matter of this Act.

Act to have overriding effect.

10. (1) The Central Government may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive session aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

In our country there was a time when girl child used to be worshipped as deity and this ritual still persists in some parts particularly during *Navratras*. But the fact remain that the girl child is most unwanted in our country today. Most families and married couples do not want a daughter in the family and indulge in rampant sex determination tests and female foeticides in the country resulting in huge gap in the sex ratio in most parts of the country which is a major cause of concern. However, in case a girl child is born, she is neglected and treated shabbily. The girl child of poor families in a new phenomena are being pushed into flesh trade for commercial gains and their trafficking is going on a very large scale in the name of adventure tourism particularly in places of tourism importance in the country. Since, the girl child prostitute fetch more money than the women prostitutes from the prospective clients more and more adolescent girls are being forced into flesh trade by the professional pimps, anti-social elements, organized criminal gangs, underworld dons, brothel keepers, hoteliers, tour operators and in many cases even by their natural guardians and near and dear ones. There are some tribes who traditionally subsist on prostitution and they push their girls in this profession at their tender age. In other cases, the girls are generally lured on the promise of a decent and luxurious life and then forced into trafficking. Thousands of minor and adolescent girls go missing from various parts of the country every year and most of them remain untraced. In fact these unfortunate girls are kidnapped for prostitution for commercial gains. It has also been noticed that pimps become active when the areas, mostly in villages and remote areas, are affected by natural calamities to lure the poverty stricken girl child into their net for using them for commercial trafficking. Since the earning in this trade is very high, the girls are even imported from our neighbouring countries like Nepal, Bangladesh, Bhutan, etc. for commercial trafficking by the gangs having international connections. This commercialization is gaining momentum because adventure tourism is also becoming popular throughout the globe and tourists do indulge in sex tourism for which they spend large amount of money and the locals are always ready to provide them with minor girls. Of course, we cannot and should not blame all the tourists but it is happening in many parts of the country. Similarly, in some parts of our country, young girls are dedicated to temples as *Devdasi* or *Bhavin* and then forced into flesh trade. Now the lives of these innocent girls have been endangered due to spread of deadly AIDS and other sexually transmitted diseases. In a welfare State like ours, it has become necessary to stop this trafficking of girl child for commercial purposes by the State by providing deterrent punishment to the offenders including capital punishment so as to save the innocent girl child from the clutches of cunning traffickers and also from AIDS and other sexually transmitted diseases. The State has also to undertake their proper rehabilitation and welfare.

Hence this Bill.

NEW DELHI;
July 6, 2015.

RAJESH RANJAN

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for rehabilitation and other welfare measures for the girl child who is rescued from prostitution. Clause 7 provides of the establishment of Fast Track Courts for trying the offences. Clause 8 makes it obligatory for the Central Government to provide funds for the establishment and running of Fast Track Courts, Children Homes, etc. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees ten thousand crore will be involved as recurring expenditure per annum.

A non-recurring expenditure to the tune of rupees fifty thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only the delegation of legislative power is of normal character.

BILL NO. 187 OF 2015

A Bill to provide for promotion of family planning measures by the Central and the State Governments for population stabilization in the country through various incentives and disincentives so as to ensure that the population is commensurate with its social, economic and other developments and with the ecological balance and bridge the gap between the haves and have nots and for achieving quality of life and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This act may be called the Population Stabilization Act, 2015.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—	Definitions.
(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;	
(b) "prescribed" means prescribed by rules made under this Act; and	
(c) "small family" means family having one child.	
3. It is hereby declared that the provisions of this Act are for the purposes of giving effect to the policies of the State towards securing the principles laid down in article 38 of the Constitution of India.	Declaration.
4. The Central Government shall, as soon as may be, by notification in the Official Gazette, formulate a comprehensive population policy particularly for the purposes of having one child norm for the eligible couples and other issues including economic, educational, legal, medical, social and other incidental aspect to promote small family norms so as to effectively control the booming population of the country in order to achieve rapid economic progress and raise the standard of living of the masses.	Formulation of Comprehensive Population Policy.
5. Notwithstanding anything contained in any other law for the time being in force, the employee of the Central Government or of a Public Sector enterprise under the control of the Central Government who adopts small family norm by undergoing sterilization operation himself or of the spouse after the birth of his first child shall be given:—	Facilities to Government employees who adopts small family norm.
(a) one year additional salary with all allowances along with two additional increments as incentives;	
(b) plot or house site or built house from Housing Board or Development Authority of the Government at subsidized rates;	
(c) loan for construction or purchasing the House from banks or financial institutions on nominal rate of interest;	
(d) free healthcare facilities;	
(e) free educational facilities to the child with vocational training and professional courses wherever necessary; and	
(f) such other benefits and incentives as may be prescribed.	
6. The incentives and benefits referred to in section 5 shall be extended mutatis mutandis to the general public in the manner provided therein.	Extention of benefits to general public.
7. Whoever in contravention of small family norm procreates more than one child, shall lose the incentives and benefits provided in this Act and in addition thereto shall,—	Loss of benefits whoever contravenes small family norm.
(a) be denied the subsidies in matters of loans extended to him;	
(b) not be eligible to get the benefits of Public Distribution System;	
(c) not be given any loan by any bank or financial institution; and	
(d) not be entitled for such other facilities as may be prescribed.	
8. Any women having one living child shall not be provided with maternity facilities in any Government Hospital, Dispensary, Health Centre or Medical Centre for the birth of her second child:	No maternity facilities to be given for those having more than one living children.
Provided that if, such women agrees to undergo sterilization operation after the birth of her second child then she shall be provided with the requisite maternity facilities forthwith.	
9. (1) Notwithstanding anything contained in any of the election laws for the time being in force, a citizen shall be disqualified for being chosen as a member of either House	Miscellaneous provisions.

of Parliament or of the legislature of a State or of any body of the local self Government, if that citizen has more than two living children:

Provided that this provision shall not apply in case of a citizen having more than two living children on or before the date of commencement of this Act.

(2) Notwithstanding anything contained in any other law for the time being in force, no marriage shall be solemnized between a male who is less than twenty-five years of age and a female who is less than twenty-two years of age.

(3) Every serving government employee shall give an undertaking that he shall not procreate more than one child:

Provided that this provision shall not apply to those government employees who have more than the prescribed number of living children on or before the date of commencement of this Act.

Penalty.

10. Whoever contravenes,—

(a) the provisions of sub-section (2) of section 9 shall be punishable with simple imprisonment for a term which shall not be less than two years but may extend to four years and also with a fine, which may extend to two lakh rupees.

(b) the provisions of sub-section (3) of section 9 shall forfeit his right to promotion and shall not be eligible for any further increment till he is in government service.

Duties of the Government.

11. The appropriate Government shall,—

(a) implement the revised National Population Policy to achieve the goals enumerated therein;

(b) set up maternity hospitals and centers in sufficient numbers at conspicuous places;

(c) distribute contraceptive pills, condoms through Healthcare Centres and Non-Governmental Organisations;

(d) organize sterilization camps from time to time;

(e) distribute iron and vitamin capsules and tablets amongst the expecting mothers;

(f) give wide publicity to the benefits of having small families; and

(g) undertake such other measures as it may deem fit and expedient for the purposes of this Act.

Central Government to provide funds.

12. The Central Government shall after due appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Act from time to time.

Power to remove difficulty.

13. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for the removal of the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act.

Overriding effect.

14. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Savings.

15. The provisions of this Act shall be in addition to and not, save as otherwise expressly provided in this Act, in derogation of any other law for the time being in force in any part of this country.

16. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to
make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

India is the second most populous country after China with highest birth rate in the World. China's annual rate of population growth has been 0.6 per cent., against India's 1.4 per cent. Our population is around 1.3 billion, and is increasing every moment. Around 2030, India will become the most populous country on the earth—with a population of 1.6 billion by 2050. Our global land area is 2.4 per cent., but we have more than sixteen per cent. of the global population making it the most densely populated nation of the world. This scenario is compelling as half the population lives in slums and under squalid conditions. This has caused overcrowding due to which law and order situation also is deteriorating. Unemployment is rising rapidly causing frustration amongst the unemployed, particularly the youth who are being lured by anti-national and anti-social elements. There is unparallel transformation of human values, social institutions and economic structures. Agriculture land holdings are becoming smaller and smaller and uneconomical and farmers are committing suicides due to this fact. The housing needs are far beyond the available finances and the shortage is appalling. Educational facilities are becoming hopelessly poor. Overcrowding is also causing environmental degradation. Jungles are vanishing for fuel, construction, furniture and for funeral purposes which has resulted water shortage and less rain and increased carbondioxide in the environment resulting in harmful diseases. The healthcare facilities are far from satisfactory and if, the population is not stabilised, we can hardly expect to achieve quality life and the situation will become from bad to worse.

It is, therefore, imperative that effective steps must be taken to check the increasing population. A clear message must go across the nations that since our resources are limited, we have to opt for smaller families. It is very unfortunate that despite availability of various birth control measures and several Family Planning Programmes, the population continues to rise menacingly. This Bill is a step towards population stabilization in the country.

Hence this Bill.

NEW DELHI;
July 7, 2015.

RAJESH RANJAN

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides certain benefits to Government employees who adopt small family norm. Clause 6 provides for extension of benefits to general public who adopt small family norm. Clause 12 provides that the Central Government shall provide requisite funds from time to time for carrying out the purposes of the Bill. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. The Bill, therefore, will involve an annual recurring expenditure of about rupees one hundred crore out of the Consolidated Fund of India.

A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 16 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of normal character.

BILL NO. 202 OF 2015

A Bill to provide for compulsory teaching of logic in all educational institutions and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title
and
commencement.

1. (1) This Act may be called the Compulsory Teaching of Logic in Educational Institutions Act, 2015.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Advisory Council" means the Advisory Council for Education of Logic constituted under section 6;

(b) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(c) "educational institution" means a primary or a middle or a secondary or a senior secondary level school imparting education to children, by whatever name such institution is called, but does not include a minority educational institution;

(d) "logic" means study of principles of reasoning, valid inference and demonstration; and

(e) "prescribed" means prescribed by rules made under this Act.

3. From such date, as the Central Government may, by notification in the Official Gazette specify, the education of logic shall be taught as a compulsory subject in all educational institutions from such class onwards as may be determined by the Central Government on the recommendation of the Advisory Council constituted under section 6.

Compulsory teaching of education of logic in educational institutions.

4. The appropriate Government shall, immediately after issuance of the notification under section 3, issue directions for compulsory teaching of logic in all educational institutions, within its jurisdiction.

Appropriate Government to issue directions for compulsory teaching of logic in all educational institutions.

5. Subject to such rules, as may be prescribed, the appropriate Government shall ensure appointment of such number of teachers with such qualifications, as may be specified, for teaching logic in educational institutions.

Appointment of teachers for education of logic.

6. (1) The Central Government shall, within three months of the coming into force of the Compulsory Teaching of Logic in Educational Institutions Act, 2015, by notification in the Official Gazette, constitute an Advisory Council for Education of Logic.

Constitution of Advisory Council for logic education.

(2) The Advisory Council shall consist of such numbers of persons, having special knowledge or practical experience in the field of logic education or school education, as the Central Government may deem fit.

7. The Advisory Council shall perform the following functions, namely:—

Functions of the Advisory Council.

(a) recommend to the Central Government the syllabus of education of logic for each class upto senior secondary level;

(b) recommend to the Central Government the class from which onwards the education of logic is to be taught in educational institutions;

(c) recommend to the appropriate Government the qualifications of teachers to be appointed in educational institutions for teaching logic;

(d) recommend to the appropriate Government the institutions which may be given recognition for training teachers in education of logic for the purpose of their appointment in educational institutions; and

(e) coordinate with the appropriate Government and school authorities with a view to ensuring effective implementation of the provisions of this Act.

8. The appropriate Government shall de-recognize such educational institutions, which do not comply with the provisions of section 4, after giving such institution a reasonable opportunity of being heard.

De-recognition of educational institutions for non-compliance of the provisions of the Act.

Central Government to provide fund.

9. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the State Governments for carrying out the purposes of this Act.

Overriding effect of the Act.

10. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to make rules.

11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Immediately after the completion of their schooling, students need to appear for various competitive examinations such as Scholastic Aptitude Test (SAT), Common Law Admission Test (CLAT), Graduate Management Admission Test (GMAT), Indian Institute of Technology (IIT), Pre Medical Test (PMT), etc. All these examinations have a crucial component of logical reasoning. In the absence of learning of logic in schools, children have to go to expensive coaching centres which most of them cannot afford. Also, the knowledge of logic is limited to the students of philosophy at the University level.

There are two civilizations that have contributed immensely to the growth of logic- India and Greece. On the basis of indisputable facts, it can be said that the Indian logic is more comprehensive. The original works of logic are available in translation in large number, so it will not be difficult to design courses and syllabus.

Logic has declined in public life. And India can regain its glory by inclusion of this subject in school curriculum thereby facilitating scientific temper of the citizenry, as enshrined in our Constitution.

Hence this Bill.

NEW DELHI;
July 7, 2015.

DADDAN MISHRA

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for appointment of logic teachers for imparting logic education in educational institutions. Clause 6 provides for constitution of an Advisory Council for logic education by the Central Government. Clause 9 provides for payment of adequate funds to the State Governments for carrying out the purposes of the Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. At this stage, it is not possible to give exact estimate of expenditure, both recurring and non-recurring, which will be incurred from the Consolidated Fund of India, if the Bill is enacted into a law. However, it is estimated that an annual recurring expenditure to the tune of rupees one hundred crore will be involved.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 192 OF 2015

A Bill to provide for special financial assistance to the State of Rajasthan for the purpose of promoting the welfare of the Scheduled Castes, the Scheduled Tribes and the Other Backward Sections of people and for the development, exploitation and proper utilisation of its resources.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Special Financial Assistance to the State of Rajasthan Act, 2015.

Short title and
commence-
ment.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. There shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as special financial assistance to the State of Rajasthan to meet the costs of such schemes of development, as may be undertaken by the State with the approval of the Government of India for the purpose of promoting the welfare of the Scheduled Castes, the Scheduled Tribes and Other Backward Sections of people or for the development, proper utilisation and exploitation of the resources in the State.

Special
financial
assistance to
the State of
Rajasthan.

3. The provisions of this Act shall be in addition to and not in derogation of any other law to be made by Parliament or for the time being in force.

Act not in
derogation of
other law.

STATEMENT OF OBJECTS AND REASONS

The State of Rajasthan is socially and economically backward. Problems of poverty, unemployment, illiteracy as well as measures for proper utilization of resources, welfare of weaker sections in the region are required to be addressed urgently by initiating new development schemes in a time-bound manner. Being a border State, Rajasthan is strategically located and it is in the nation's interest that its development needs are addressed. It is, therefore, necessary that the Central Government should provide special financial assistance to the State of Rajasthan for its all-round development including the welfare of weaker sections and for the development and exploitation of its vast resources. Such a step of providing financial assistance to this State would go a long way in building this nation more and more strong.

Hence this Bill.

NEW DELHI;
July 7, 2015.

ARJUN MEGHWAL

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that there shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as special financial assistance to the State of Rajasthan to meet the costs of such schemes of development, as may be undertaken by the State with the approval of the Government of India.

The Bill, therefore, on enactment, will involve expenditure out of the Consolidated Fund of India for providing special financial assistance to the State of Rajasthan. As the sums of moneys which will be given to the State of Rajasthan as special financial assistance by appropriation by law made by Parliament will be known only after the welfare schemes to be implemented by the State Government with the approval of Government of India are identified, it is not possible to give the estimates of recurring expenditure, which would be involved out of the Consolidated Fund of India at this stage.

No non-recurring expenditure is likely to be incurred from the Consolidated Fund of India.

Bill No. 173 of 2015

A Bill to provide for the establishment of a permanent Bench of the High Court of Rajasthan at Bikaner.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. This Act may be called the High Court of Rajasthan (Establishment of a Permanent Bench at Bikaner) Act, 2015.

Short title.

2. There shall be established a permanent Bench of the High Court of Rajasthan at Bikaner and such Judges of the High Court of Rajasthan, being not less than five in number, as the Chief Justice of that High Court may from time to time nominate, shall sit at Bikaner in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the districts of Bikaner, Sri Ganganagar, Hanumangarh, Churu and Nagaur.

Establishment of a Permanent Bench of the High Court of Rajasthan at Bikaner.

STATEMENT OF OBJECTS AND REASONS

Since the time a Bench of the High Court of Rajasthan, which is functioning at Jodhpur, was established at Jaipur, there has been a demand for the establishment of a permanent Bench of the High Court at Bikaner.

Rajasthan is one of the largest States and Bikaner is a divisional headquarter which is situated in the western part of Rajasthan. The region is known as Thar desert of the western region of the country.

The number of pending cases of Bikaner division in the High Court are more than sixty per cent of the total number of pending cases. Besides, in a large number of cases, the Government of Rajasthan, its various departments or the Public Sector Undertakings and autonomous bodies under it happen to be a party. Therefore, establishment of a permanent Bench at Bikaner will not only reduce unnecessary expenditure from the public exchequer but would also benefit the people from Bikaner, Sri Ganganagar, Hanumangarh, Churu and Nagaur districts.

Hence this Bill.

NEW DELHI;
July 7, 2015.

ARJUN MEGHWAL

BILL NO. 193 OF 2015

A Bill to provide for regularisation and universalisation of Integrated Child Development Services in the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Integrated Child Development Services (Regularisation) Act, 2015.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires:—

(a) "anganwadi centre" means a centre which shall be used for providing integrated child development services by the appropriate Government and includes all the existing centres being used for providing integrated child development services in the country;

(b) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government; and

(c) "prescribed" means prescribed by rules made under this Act.

Regularisation and institutionalisation of Integrated Child Development Services.

3. On and from such date as the Central Government may, by notification in the Official Gazette appoint, the existing Integrated Child Development Services for overall development of children shall be deemed to be regularised and institutionalized under this Act in such manner as may be prescribed.

Establishment of adequate number of anganwadi centres.

4. (1) The appropriate Government shall establish adequate number of anganwadi centres in every settlement or village throughout the country.

(2) The appropriate Government shall make available land, building infrastructure and all basic facilities including nutritious meal, educational games, toys, stationery items, learning and writing material, television sets, computers and such material as required for the overall development of children and facility of pre-natal and post-natal care to infants and mothers at every anganwadi centre.

(3) The appropriate Government shall regulate the functioning of anganwadi centres, in such manner and through such bodies of local self government, as may be prescribed.

Redesignation of anganwadi workers and helpers.

5. The 'anganwadi workers' and 'helpers' working in the existing anganwadi centres shall hereinafter be known as 'anganwadi teachers' and 'anganwadi assistants', respectively.

Setting up of National Committee.

6. (1) The Central Government shall constitute a Committee to be known as the National Committee for the welfare of persons working in anganwadi centres in such manner as may be prescribed.

(2) The National Committee shall perform the following functions, namely,—

(i) suggest measures to streamline the functioning of existing anganwadi centres;

(ii) identify areas where cases of malnutrition of children are reported and recommend opening up of anganwadi centres in such areas;

(iii) monitor the functioning of anganwadi centres;

(iv) conduct foundation training course for anganwadi teachers and assistants;

(v) fix working hours for anganwadi teachers and assistants;

(vi) prescribe the educational qualification and other criteria for recruiting the persons as anganwadi teachers and assistants;

(vii) recommend salary, allowances, over-time, honorarium, leave, provident fund and other benefits, including maternity benefits, for employees of anganwadi centres from time to time;

(viii) provide free health care to anganwadi teachers and assistants and their minor children;

(ix) provide insurance cover to anganwadi teachers and assistants; and

(x) suggest other measures for overall development of children and efficient functioning of anganwadi centres.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, release the necessary funds to the National Committee for effective implementation of the Act.

Release of funds.

8. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order publish in the Official Gazette, make such provision, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removing such difficulty:

Power to remove difficulties.

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The rights of women and children and their aspirations are of paramount importance in our march towards an inclusive and equitable society. Keeping in view the constitutional provisions and in order to give greater focus to issues relating to women and children, it is necessary to invest more in the programmes meant for eradication of malnutrition and expansion of anganwadis. It is a fact that the Integrated Child Development Services (ICDS) has grown by leaps and bounds with a wide range of activities being brought within its ambit and consequent expansion of the area of work of anganwadi workers and helpers and increase in their working hours. There is no justification for their being treated as social and honorary workers with the paltry amount doled out to them as honorarium, especially when they have put in long years of service and the success of the scheme, which has been lauded by various agencies, is due to the hard work of the anganwadi workers and helpers. These anganwadi workers are working in close relationship with the people and their services are being utilized by the respective State Governments for a whole range of activities—be it survey, promotion of small saving schemes, group insurance or non-formal education. Despite this, their demand for seeking regularisation and institutionalisation of services is being brushed aside. Therefore, in recognition of their services, they need a better lot and improvement in their service conditions and remunerations. There is also need of an effective system of supervision of anganwadi centres.

In view of the above, the Bill seeks to provide for universalisation, regularisation and institutionalisation of Integrated Child Development Services for all-round development of children and expansion of anganwadi centres for effective implementation of the scheme.

Hence this Bill.

NEW DELHI;
July 7, 2015.

ARJUN MEGHWAL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for regularisation and institutionalisation of the Integrated Child Development Services by the Central Government. Clause 4 provides for setting up of adequate number of anganwadi centres with basic facilities in every settlement. Clause 6 provides for setting up of a National Committee for the welfare of persons working in anganwadi centres. Clause 7 provides that the Central Government shall release necessary funds to the National Committee for effective implementation of this Bill. The State Governments will incur expenditure in respect of their States out of their respective Consolidated Funds for implementing the provisions of this Bill. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees ten thousand crore per annum.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 170 OF 2015

A Bill further to amend the Food Safety and Standards Act, 2006.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and
commence-
ment.

1. (1) This Act may be called the Food Safety and Standards (Amendment) Act, 2015.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of
new section
19A.

2. After section 19 of the Food Safety and Standards Act, 2006, the following section shall be inserted, namely:— 34 of 2006.

Grading and
marking for
ripening.

“19A. No person shall sell or offer for sale any fruit or vegetable unless it has been graded and marked for ripening by food laboratory according to such standards and in such manner as may be specified by the Food Authority.”.

STATEMENT OF OBJECTS AND REASONS

The issue of artificial ripening of fruits and vegetables especially mangoes and banana has been raised from time to time in various parts of the country. Usually farmers harvest fruits prior to maturity with a view to get premium price or to transport them to remote destinations where they are ripened before retailing with aids like calcium carbide, ethylene gas and ethrel/ethephon. The use of ethylene gas either directly from cylinders or as liberated from ethephon, is recognized as a safe alternative for ripening of fruits by scientific research provided it is used at low concentration.

As per the traditional practice, the use of calcium carbide commonly known as *ripening masala* is very popular. Calcium carbide is a carcinogenic substance and can cause mouth ulcer, food poisoning or even cancer. Hence, it is dangerous for human life.

Therefore, the Bill seeks to provide for a legal mechanism of grading of ripened fruits and vegetables before they are offered for sale. Such a mechanism will ensure that artificial ripening of fruits and vegetables has been carried out using safe chemicals.

Hence this Bill.

NEW DELHI;
July 7, 2015.

ARJUN MEGHWAL

BILL NO. 222 OF 2015

A Bill to provide for complete freedom to earn livelihood to the cycle rickshaw and cart pullers and roadside mechanics by prohibiting the local police and personnel of local bodies from impounding or taking away the tools, wares, stuff, cycle rickshaw, cart, etc., so as to enable the poverty stricken and unemployed youth and other citizens to earn their livelihood without fear and feed their dependent families and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title
and extent.

1. (1) This Act may be called the Rickshaw Pullers and Roadside Mechanics (Freedom to Earn Livelihood) Act, 2015.

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires:—

Definitions.

(a) "appropriate Government" means in the case of a State the Government of that State and in all other cases the Central Government;

(b) "prescribed" means prescribed by rules made under this Act;

(c) "rickshaw puller" means a person who physically pulls a cycle rickshaw of any kind which includes a hand cart in order to earn his livelihood; and

(d) "roadside mechanic" includes persons repairing bicycle, cycle rickshaw, scooter, motor cycle and other two wheelers or motorized vehicles or those repairing footwear, purses, utensils and other wares, electronic items, or any other such item by the roadside or under a tree without erecting any permanent structure at the site and without hindering the smooth traffic flow on the road.

3. (1) Notwithstanding anything contained in any other law for the time being in force every rickshaw puller and roadside mechanic shall have complete freedom to earn his livelihood without any hindrance or interference from any authority of the Government including those of Police and local self-Government like Corporations and Municipalities.

Freedom to earn livelihood.

(2) Any officer or employee of any authority of the Government who contravenes the provisions of sub-section (1) shall be guilty of dereliction of his duties and shall be punished accordingly.

4. Notwithstanding anything contained in any other law for the time being in force, no officer or employee of any authority of local self-Government such as Municipalities, Municipal Corporations, Municipal Councils or by whatever name known or called as well as those of Police shall confiscate or impound or forcibly take away the articles, wares, tools, bicycle, rickshaw, carts, etc. of a rickshaw puller or roadside mechanic.

Local self-Government authorities and Police Personnel not to confiscate or impound the articles, wares, etc.

5. For earning hassle free livelihood under the provisions of this Act, a rickshaw puller or roadside mechanic shall not,—

Conditions to be followed for earning livelihood.

(a) obstruct the public place such as roads, footpath, parks and such other places declared as public places by the appropriate Government;

(b) obstruct the flow of traffic or vehicles and pedestrians; and

(c) contravene such other conditions as the Central Government may, by notification in the Official Gazette, specify.

6. It shall be duty of the appropriate Government to ensure strict compliance of the provisions of this Act to ensure freedom to earn livelihood to every rickshaw puller and roadside mechanic within its territorial jurisdiction.

Appropriate Government to ensure compliance.

7. Any officer of local self-Government or of any Department of the appropriate Government including Police, who contravenes the provisions of sections 3 or 4 shall, notwithstanding anything contrary contained in any other law or service rules, be dismissed from service forthwith and shall also be liable to fine which may extend upto two lakh rupees.

Penalty.

8. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force but save aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force dealing with the subject matter of this Act.

Act to have overriding effect.

9. The Central Government may give directions to the Government of any State for implementing the provisions of this Act in the State.

Power to give directions.

Power to
remove
difficulty.

10. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of three years from the date of commencement of this Act.

Power to
make rules.

11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

India is a vast country and after China, we have the largest population, in the globe. With this population boom, our nation is facing the ever growing unemployment scenario which does not match with the growing population. Employment generation is decreasing and the number of unemployed is increasing rapidly. The problem has become more acute due to global meltdown and recession all over the world. Government services are becoming scarce and so is the case of private sector. Agriculture, micro, small and medium industries used to be biggest employment providers, but recession has taken the toll on micro, small and medium industries. Agriculture has become the victim of vagaries of nature and slump because of unremunerative price structure and fall in prices of commodities. Therefore, the employment generation is not commensurate with the ever growing population.

In such a scenario, self employment appears to be the only way to tackle the unemployment problem but due to financial constraints everybody cannot become self employed. However, quite a large number of citizens try to earn their livelihood through various means such as pulling bicycle rickshaw and carts or working as roadside mechanics repairing two wheelers, motorized vehicles, footwear, purse, utensils and other wares, electronic items, etc. in the streets, roadside and other places to earn their livelihood and feed their poor families but most of them are hounded by local Police and Municipal authorities. They are compelled to pay heavy bribes and if they do not do so then their articles, wares and other things are taken away and confiscated and heavy fines are imposed on them. As such they are unable to earn their livelihood. They remain under constant threat and fall in the net of anti-social elements. When State cannot provide employment opportunities, the poor should not be denied their right to earn livelihood. So there should be complete and hassle free freedom for all the citizens of the country so that people will earn their livelihood and support their families and there should be no interference from Police or local authorities in their vocation. Recently, even the Supreme Court of India expressed its concern about the plight of *Rehri* and *Patriwallahs* and directed to formulate rehabilitation plans for them.

This Bill seeks to achieve the above objects.

NEW DELHI;
July 7, 2015.

RAJESH RANJAN

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only the delegation of legislative power is, therefore, of a normal character.

BILL NO. 179 OF 2015

A Bill to provide for compulsory harvesting of rainwater by every household, business establishment and Government building, in order to ensure availability of water and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and
extent.

1. (1) This Act may be called the Rainwater (Compulsory Harvesting) Act, 2015.

(2) It extends to the Union territories only.

Declaration.

2. It is hereby declared that it is expedient in public interest that the Union Government undertake measures to preserve and harvest rainwater in the country for augmenting drinking water availability in the country.

Definitions.

3. In this Act, unless the context otherwise requires:—

(a) “business establishment” includes any building which is used as an office or a factory in connection with any trade or business;

(b) “Government” means the Central Government or the Union territory Administration, as the case may be;

(c) “Government building” includes the offices of the Ministries, departments, public sector enterprises, statutory bodies or bodies owned or administered by the Government and autonomous bodies, local self Government bodies and residential areas of Government employees provided by the Government;

(d) “household” means a dwelling unit of any description; and

(e) “prescribed” means prescribed by rules made under this Act.

4. It shall be the duty of the Government to ensure provision of necessary infrastructure and implement such measures, as it may deem necessary, to harvest rainwater in Government buildings within such time as may be prescribed.

Compulsory rainwater harvesting in Government buildings.

5. (1) Every household and business establishment shall adopt such measures, as may be notified by the Government, for rooftop rainwater harvesting within such time, as may be specified in the notification.

Compulsory rainwater harvesting by households and business establishments.

(2) The responsibility to ensure compliance of the provisions of sub-section (1) shall lie, in the case of household, on the head or *karta* of that household, and in the case of a business establishment, on the person, by whatever name called, who is primarily responsible for the affairs of that establishment.

6. It shall be the duty of the Government to ensure construction and repair of conventional water bodies such as wells, tanks, ponds, creeks and watersheds to preserve the rainwater so as to recharge the levels of ground water.

Duty of Government to protect water bodies.

7. (1) The Government shall, as soon as possible, prepare an action plan to educate the masses about the technology and the benefits of rooftop rainwater harvesting.

Action plan to educate the masses about rainwater harvesting.

(2) For the purpose of sub-section (1), the Government shall also associate Non-Governmental Organisations and such other agencies or institutions, as it may deem fit, in such manner as may be prescribed.

8. Any person violating the provisions of this Act shall be punished with simple imprisonment for a term which may extend to one year or with a fine which may extend to rupees one lakh or with both.

Punishment.

9. The provisions of this Act and rules made thereunder, shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have overriding effect.

10. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Act not in derogation of other laws.

11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

It is estimated that our country receives rainfall of about four thousand billion cubic metres every year and major part of this rainwater goes waste as it falls into the sea through the rivers of our country. This huge wastage of rainwater is taking place inspite of the fact that there is severe shortage of drinking water throughout the country. Water is a scare resource and its availability for drinking and other household purposes in the country as a whole is hardly as per requirement-more so in the desert and drought prone areas. The only way to overcome this problem is to prevent the wastage of rainwater by conserving it through harvesting and recharging the groundwater levels.

Identification of the areas not receiving normal rainfall with the help of reconnaissance of each and every hamlet of the country, for success of this programme is the need of the hour. The private sector as well as the Non-Governmental Organisations have to play a major role in physical and financial terms, in order to achieve the goal of rainwater harvesting. To save the planet earth, we have to make rooftop rainwater harvesting a movement of the masses, in which, the Government, corporates and every household would participate and preserve the rainwater which is the purest form of water. This will increase the level of ground water which can be used for drinking and other purposes. Hence, it has become necessary to make rooftop rainwater harvesting mandatory throughout the country to overcome the water scarcity which otherwise will worsen further in near future if we do not act now.

As water is a State subject, initiative has to come from State Governments. But in the first instance the initiative has to come from the Central Government by making rainwater harvesting compulsory in the areas governed by it. The States can follow the Central Government and make it compulsory in the States.

Hence this Bill.

NEW DELHI;
July 7, 2015.

UDIT RAJ

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for creating infrastructure for compulsory rainwater harvesting in Government buildings. Clause 6 provides that the Central Government shall ensure construction and repair of water bodies to preserve rainwater. Clause 7 provides that the Central Government shall prepare an action plan to educate the masses about the technology and the benefits of rooftop rainwater harvesting and associate Non-Governmental Organisations and private sector for the purpose. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one thousand crore is likely to be involved as a recurring expenditure per annum.

A non-recurring expenditure to the tune of rupees five thousand crore is also likely to be incurred from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 176 OF 2015

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2015.Amendment
of article
51A.**2.** In article 51A to the Constitution, after clause (k), the following clause shall be inserted, namely:—

“(l) who is eligible to vote, to cast his vote at elections to the House of the People, Legislative Assemblies of States and institutions of local self-Government.”

STATEMENT OF OBJECTS AND REASONS

India is the largest democracy in the world. It has a strong parliamentary system. Since 1951, free and fair elections to the Houses of Parliament, State Legislatures and local bodies have been held at regular intervals. Indian elections are benchmark for many other countries.

At present a candidate is declared as elected even if he secures seventeen per cent. of the votes polled. Though he has won the seat, yet he may not have the support of even half of the electors. In the true sense, he is not representing the majority of voters in the constituency from which he has been elected.

The percentage of votes polled at every election is very less which shows that people are not willing to participate in the election process. Sometimes in some of the constituencies, as low as thirty per cent. of the total votes are polled. This is not a healthy sign for democracy. Casting a vote at an election is one of the duty of community service mentioned in the Universal Declaration of Human Rights. Introducing an obligation to vote will help in strengthening the democracy and, electing a Government with more stability, legitimacy and genuine mandate. Compulsory voting system can confer a high degree of political legitimacy because it results in high voter turnout. High level of participation decreases the risk of political instability.

The compulsory voting is a system in which electors are obliged to cast their votes in elections.

Therefore, it is proposed to make it a fundamental duty of every eligible citizen to cast vote at elections to the House of the People, Legislative Assemblies and institutions of local Self Government.

Hence this Bill.

NEW DELHI;
July 6, 2015.

P. P. CHAUDHARY

Bill No. 219 of 2015

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and
extent.

1. (1) This Act may be called the Constitution (Amendment) Act, 2015.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of article
124.

2. In article 124 of the Constitution, in clause (2), for the words "sixty-five years", the words "seventy years" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Article 124 (2) of the Constitution provides that a Judge of the Supreme Court shall hold office until he attains the age of sixty-five years. The age of retirement of the Supreme Court Judges, which was fixed at sixty-two years in the beginning, was enhanced to sixty-five years by the Constitution (Fifteenth Amendment) Act, 1963. Since then, no revision has taken place in this regard.

The Department-Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, in its 39th Report dated the 29th April, 2010, has recommended for raising the retirement age of the Judges of the High Courts from sixty-two years to sixty-five years. Hence, in view of this, it is expedient that the age of retirement of a Judge of the Supreme Court should also be raised from sixty-five to seventy years. Further, most of the reasons adduced by the Fifth Central Pay Commission in support of its recommendation for increasing the age of retirement of the Central Government employees, such as global practices, increase in life expectancy, improved health standards, need for utilization of experience and wisdom of senior employees, etc. would also apply to the Judges. Besides, the Judges after their retirement are being appointed by the Government in various Tribunals, Commissions and such other bodies which is antithesis and not in consonance with the provisions as well as spirit of the Constitution. The increase in age of retirement of Judges will altogether stop their re-employment after retirement.

In view of the present state of vacancies of Judges and heavy pendency of cases in the Supreme Court, it is imperative to increase the age of retirement of a Judge of the Supreme Court by five more years which would restrict occurrence of new vacancies on account of superannuation of existing Judges for the next five years during which time the existing backlog in vacancies could be cleared. This could also have a clear impact on reduction of pendency of cases in the Supreme Court.

It is, therefore, proposed to increase the age of retirement of Judges of the Supreme Court from sixty-five years to seventy years.

The Bill seeks to achieve the above objective.

NEW DELHI;
July 6, 2015.

P.P. CHAUDHARY

BILL NO. 220 OF 2015

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title
and extent.

1. (1) This Act may be called the Constitution (Amendment) Act, 2015.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of article 217.

2. In article 217 of the Constitution, in clause (1), for the words "sixty-two years", the words "sixty-five years" shall be substituted.

Amendment
of
article 224.

3. In article 224 of the Constitution, in clause (3), for the words "sixty-two years", the words "sixty-five years" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Article 217(1) of the Constitution provides that a Judge of the High Court shall hold office until he attains the age of sixty-two years. Article 224(3) of the Constitution provides that no person appointed as an additional or acting Judge of a High Court shall hold office after attaining the age of sixty-two years. The age of retirement of the High Court Judges, which was fixed at sixty years in the beginning, was enhanced to sixty-two years by the Constitution (Fifteenth Amendment) Act, 1963. Since then, no revision has taken place in this regard.

The Department related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, in its 39th Report dated the 29th April, 2010, has recommended to raise the retirement age of the Judges of the High Courts from sixty-two years to sixty-five years. Further, most of the reasons adduced by the Fifth Central Pay Commission in support of its recommendation for increasing the age of retirement of the Central Government employees, such as global practices, increase in life expectancy, improved health standards, need for utilization of experience and wisdom of senior employees, etc. would apply to the Judges as well. Besides, many Judges after their retirement are being appointed by the Government in various Tribunals, Commissions and such other bodies which is antithesis and not in consonance with the provisions as well as spirit of the Constitution. The increase in age of retirement of Judges will restrict their re-employment after retirement. Hence, in view of this, it is expedient to enhance the age of retirement of a Judge of the High Court from sixty-two to sixty-five years.

In view of the present state of vacancies of Judges and heavy pendency of cases in the High Courts, it is imperative to increase the age of retirement of the Judges of the High Courts by three more years which would restrict occurrence of new vacancies on account of superannuation of existing Judges. This would definitely overcome the problem of backlog in vacancies and clear the pendency of cases in the High Courts without exerting pressure of appointment of new Judges on account of new vacancies.

It is, therefore, proposed to increase the age of retirement of Judges of the High Courts from sixty-two years to sixty-five years.

The Bill seeks to achieve the above objective.

NEW DELHI;
July 6, 2015.

P.P. CHAUDHARY

BILL NO. 198 OF 2015

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 2015.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of new
article 324A.

2. After article 324 of the Constitution, the following article shall be inserted, namely:—

Election
Commission to
conduct
elections to the
House of the
People and
Legislative
Assemblies of all
States
simultaneously.

"324A. Notwithstanding anything in this Constitution, the Election Commission shall, as far as possible, endeavour to conduct elections to the House of the People and to the Legislative Assemblies of all States simultaneously."

STATEMENT OF OBJECTS AND REASONS

At present, general elections of Lok Sabha and State Legislative Assemblies are being held in different years and, in many cases, even at different periods of the same year. The tenure of both Lok Sabha and the State Legislative Assemblies have been fixed at five years by the Constitution.

Presently, the cost of holding elections for Lok Sabha and Legislative Assemblies of States and Union territories has been pegged at rupees four thousand and five hundred crores by the Election Commission.

Suggestions are being received from certain quarters that a scheme should be devised whereby the general elections to the Lok Sabha and the State Legislative Assemblies are held simultaneously.

The rationale given is that this will result in huge saving to the public exchequer, avoidance of replication of efforts on part of administration and law and order machinery in holding repeated elections and bring considerable savings to political parties and candidates in their election campaigns.

Another argument in support of the above suggestion is that now asynchronous Lok Sabha and Legislative Assembly elections including bye-elections result in prolonged enforcement of Model Code of Conduct with its concomitant adverse impact on development and welfare programmes.

Under the Parliamentary democracy envisaged in our Constitution, situations may arise from time to time, where the five year term of the Lok Sabha may have to be either curtailed or extended. The same would be the situation in relation to the State Legislative Assemblies. The proposal for simultaneous elections, however, would involve having fixed term for the Union and State Legislative bodies.

Hence this Bill.

NEW DELHI;
July 6, 2015.

P.P. CHAUDHARY

ANOOP MISHRA
Secretary General